

THIRTY-SECOND DAY

(Monday, March 8, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Herzik
Adkins	Holland
Alexander	Hoskins
Alsup	Howard
Amos	Huddleston
Baker	Jackson
Bates	Johnson of Ellis
Beckworth	Johnson
Bell	of Tarrant
Blankenship	Jones of Angelina
Boethel	Jones of Atascosa
Bond	Jones of Falls
Boyer	Jones of Wise
Bradbury	Keefe
Bradford	Keith
Bridgers	Kelt
Broadfoot	Kenyon
Brown	Kern
Burton	King
Callan	Knetsch
Carssow	Langdon
Cathey	Lankford
Cauthorn	Lanning
Celaya	Leath
Cleveland	Leonard
Colquitt	Little
Davis of Haskell	Loggins
Davis of Jasper	London
Davison of Fisher	Lucas
Davisson	Mann
of Eastland	Mauritz
Deglandon	Mays
Derden	McConnell
Dickison	McCracken
Dollins	McDonald
England	McFarland
Farmer	McKee
Felty	McKinney
Fielden	Metcalfe
Fox	Moffett
Fuchs	Monkhouse
Gibson	Morris
Graves	Morse
Hamilton	Newton
Hankamer	Nicholson
Hanna	Oliver
Harbin	Palmer
Harper	Patterson of Mills
Harrell	Patterson
Harris of Archer	of Travis
Harris of Dallas	Petsch
Harris of Dickens	Pope
Hartzog	Powell
Heflin	Prescott

Quinn	Smith
Ragsdale	of Matagorda
Reader	Smith of Tarrant
Reed of Dallas	Stinson
Rhodes	Stocks
Riddle	Talbert
Roark	Tarwater
Ross	Tennant
Russell	Tennyson
Rutta	Thornberry
Schuenemann	Thornton
Settle	Vale
Sewell	Waggoner
Sharpe	Walker
Shell	Weldon
Simpson	Westbrook
Skaggs	Winfree
Smith of Hopkins	Wood
	Worley

Absent—Excused

Cagle	James
Dean	Leyendecker
Hardin	Reed of Bowie
Hull	Stevenson
Hyder	

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered prayer.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of illness:

Mr. Leyendecker for today, on motion of Mr. Celaya.

Mr. Dean for today, on motion of Mr. Vale.

Mr. Hull for today, on motion of Mr. Johnson of Tarrant.

Mr. Stevenson for today, on motion of Mr. Knetsch.

Mr. Cagle for today, on motion of Mr. Derden.

Mr. James for today, on motion of Mr. Johnson of Ellis.

Mr. Hyder for today, on motion of Mr. Settle.

Mr. Reed of Bowie for today, on motion of Mr. Jones of Wise.

Mr. Hardin for today and the balance of the week, on account of a death in his family, on motion of Mr. Prescott.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 215, "An Act creating a special Road Law for Hardeman County, Texas, authorizing the funding and refunding of items of indebtedness, outstanding on December 14, 1936, against the road and bridge fund of said County, into time warrants, prescribing the terms and conditions in reference to said time warrants, and the duties of the officers in the issuance thereof; validating an order passed by the Commissioner's Court of Hardeman County, Texas, on December 14, 1936, and the items of indebtedness described therein and authorized to be funded and refunded into time warrants; providing that this law shall be cumulative of general laws on the subject of roads and bridges and on the subject of funding and refunding warrants, when not in conflict with the provisions hereof; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

S. B. No. 415, "An Act amending subsection (b) of Section 11 of Article 2 of House Bill No. 8, passed by the Third Called Session of the Forty-fourth Legislature, said bill being known as the 'Omnibus Tax Bill', and declaring an emergency."

HOUSE BILL NO. 150 WITH SENATE AMENDMENTS

Mr. Quinn called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 150, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to lease for oil and/or gas and/or sulphur and/or other mineral development all lands under its control; authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to invest funds accruing from the lease or sale of oil and/or gas and/or sulphur and/or other minerals; prescribing the mode and manner of said oil and/or gas and/or sulphur and/or other mineral leases on said land; providing for setting up any funds accruing as a permanent fund and appropriating the income therefrom; providing certain restrictions therein; making an appropriation to defray the expenses of said Board in executing the provisions of this Act, and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

Mr. Quinn moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Mr. Alsup submitted the following motion:

"I move that the conference committee on House Bill No. 150 be instructed to leave all funds collected under this bill in the General Revenue Fund of the State."

Mr. Metcalfe moved to table the motion.

The motion to table prevailed.

ADDITIONAL SIGNERS OF BILLS AND RESOLUTIONS

By unanimous consent of the House, the following Members were authorized to sign bills and resolutions, as co-authors of same, as follows:

Mr. Callan, House Bills Nos. 164 and 372.

Mr. Harbin, House Joint Resolution No. 38 and House Bill No. 49.

Mr. Bell, House Joint Resolution No. 38.

Mr. Johnson of Tarrant, House Joint Resolution No. 38.

(Mr. Knetsch in the Chair.)

RELATIVE TO APPROPRIATIONS FOR STATE DEPARTMENTS

Mr. Calvert offered the following resolution:

Whereas, All State Departments, Commissions, Bureaus and Institutions are required by law to file annual reports showing appropriations and appropriated revenues and the expenditures therefrom, together with other information; and

Whereas, If any of such Departments, Commissions, Bureaus and Institutions fail to comply with the law in this respect there is no means by which the Appropriations Committee can determine the exact amounts appropriated and the manner in which said appropriations and appropriated revenues are expended; and

Whereas, Such information should be available to the Appropriations Committee in order that it may better determine the needs of all State Depart-

ments, Commissions, Bureaus and Institutions in preparing the general appropriation bills; and

Whereas, There are many who believe that all statutory special funds should be abolished and that all appropriations for the use of the various State Departments, Commissions, Bureaus and Institutions should be specifically made by the Legislature from the State Treasury, and reports by said Departments, Commissions, Bureaus and Institutions would shed light on the advisability of the abolition of such statutory special funds and the advisability of the Legislature making all appropriations in a specific and itemized manner; now, therefore, be it

Resolved, That the officials of each and every State Department, Commission, Bureau and Institution be re-

quested and directed to file with the Appropriations Committee of the House of Representatives, by March 22, 1937, a report showing appropriations and appropriated revenues to such Department and the expenditures by such Department for the fiscal year ending August 31, 1936, in conformity with the form of report hereto attached; and, be it further

Resolved, That the Appropriations Committee be requested to obtain from the State Auditor a list of all such State Departments, Commissions, Bureaus and Institutions, and furnish each and all of the same a form for the filing of such report in conformity with the form hereto attached, and that all such reports when filed with the said Appropriations Committee be by said Committee filed and maintained as a part of the records thereof.

DEPARTMENTAL INFORMATION SUMMARY SHEET OF

Appropriations and Appropriated Revenues

1. Total specific appropriations from funds deposited in the State Treasury for the year ended August 31, 1936—Attach an exhibit showing the fund and the total available appropriation from the Treasury which must include all monies appropriated for expenditure by the department through the State Treasury, (Deduct lapsed amounts) \$
2. Total Federal Funds received—Attach an exhibit \$
3. Total of all other appropriated funds (monies) received during the year not deposited in the State Treasury, including balances forwarded from the prior period and reflecting the unexpended balances on hand at August 31, 1936—Attach an exhibit of such funds or monies received showing the source, depository, and balances as of August 31, 1936 \$
4. Total Appropriations \$

Expenditures

5. Salaries—Attach an exhibit showing salaries grouped as follows for the fiscal year ended August 31, 1936: Administrative, Clerical, Technical and Professional, and other salaries, including within the groups a statement with the names, duties and total amounts paid during the year to each individual receiving over \$600.00 for the fiscal year and showing in one total under each classification salaries not exceeding \$600.00 to one individual. (Do not include direct labor charges on construction jobs). Total \$

6. Traveling Expense—Attach an exhibit of traveling expense segregating transportation in state owned cars and other transportation costs and showing same in totals of all traveling expense by individual persons when the total per individual for the fiscal year ending August 31, 1936, exceeds \$300.00 and including amounts per individual of less than \$300.00 in one total in the exhibit segregated only as to transportation in state owned cars and other transportation.
Total \$
7. Rent Paid—Per exhibit attached \$
8. Stationery and Printing—Per exhibit attached \$
9. Office Costs other than Salaries, Printing and Stationery \$
10. Automobiles and Trucks purchased—Attach an exhibit of make of car, year model, list price and amount disbursed during the fiscal year ended August 31, 1936, in trade in of old cars and in purchasing new cars and trucks \$
11. Building Repairs and Replacements—Attach an exhibit \$
12. Office Furniture and Equipment—Attach an exhibit \$
13. Machinery and Equipment other than Office Equipment (new)—Attach an exhibit \$
14. Machinery and Equipment (repairs)—Attach an exhibit \$
15. Heat, Power, Lights and Water—Attach an exhibit \$
16. Permanent Construction Costs—Attach an exhibit \$
17. Other Expenditures and Miscellaneous—Attach an exhibit \$
18. Total Expenditures \$
19. Balances on Hand in Special Funds and Unexpended Appropriations at August 31, 1936. (Difference between items 4 and 18) \$
20. Attach an exhibit showing detail balances included in the above item number 19.
21. Attach a brief detail statement of not over three typewritten pages outlining all of the activities and duties of the department performed during the fiscal year ended August 31, 1936.

**INSTRUCTIONS IN THE PREPARATION
OF DEPARTMENTAL OPERATIONS**

FOR THE FISCAL YEAR ENDED AUGUST 31, 1936

General Instructions

A summary of the financial operations of all state departments is desired for the fiscal year ended August 31, 1936.

Prepare statements on a basis of cash appropriated, received and disbursed, and not on an accrual basis.

If a department is divided into well defined divisions, and the operations of such divisions are entirely separate from the regular department, and the appropriation for the fiscal year ending August 31, 1936, is separate from the

regular department, separate information summaries should be made but only where the division operates as an entirely separate unit. Institutions operating under boards shall be considered separate.

Annual reports are required including substantially the information requested and if such reports have been properly prepared no difficulty should be experienced in the preparation of this information.

All information should be submitted on sheets 8½x11 inches, neatly typewritten and properly bound, indexed and labeled on outside.

Comments By Items In Summary Sheet

1. Prepare a statement of all appropriations to be paid from the State Treasury. It is not desired to detail each item of appropriation here but the statement should be in sufficient detail to identify the source of each group appropriation and stating the legal reference to the appropriation law under which the authority for expenditure is granted. To facilitate the work you are permitted reasonable discretion but you will be expected to present a statement of all appropriated monies, less lapsed amounts, which have been made available through the State Treasury for the fiscal year ended August 31, 1936.
2. Prepare a statement of Federal Funds received and designate the amounts disbursed through the State Treasury and amounts disbursed through the department, but not through the State Treasury.
3. Prepare a statement by source of all monies other than Federal Funds received by the department during the fiscal year ended August 31, 1936, which are not deposited in the State Treasury, and if there are any such monies which are not to be disbursed by the department make a separate deduction of the amount properly designating same on your statement. This statement should include all collections of every character not deposited in the State Treasury. To facilitate the work you are permitted reasonable discretion in the preparation of this statement, but you will be expected to present an exhibit showing the group source of all monies received and not deposited in the State Treasury as outlined above.
4. Include a total of all funds available for expenditure during the fiscal year ended August 31, 1936, less appropriations from the State Treasury which lapse at August 31, 1936.
5. An exhibit of all salaries paid by the department for all purposes for the fiscal year ended August 31, 1936, as stated in the form herewith, is to be prepared. To facilitate the work reasonable discretion of the form of presentation is permitted, but you will be expected to furnish the information as requested.
6. An exhibit of traveling expense paid by the department for the fiscal year ended August 31, 1936, as stated in the form herewith, is to be prepared. To facilitate the work reasonable discretion is permitted but you will be expected to furnish the information.
7. 8. 9. Furnish exhibits showing the amounts and general purpose for which used.
10. An exhibit showing each automobile and trucks owned and showing by whom used, total purchase cost per car and the last column carrying the amount of purchase price paid during the fiscal year ended August 31, 1936.

11. 12. 13. 14. 15. Furnish exhibits showing the amounts and the purpose for which used.
16. A statement of permanent construction should be included. To facilitate this work reasonable discretion is permitted in the preparation of this statement but it will be expected that the total costs of each project or improvement will be separately shown with the proper designation of the separate amount.
17. An exhibit of all other expenditures not heretofore included should be prepared. To facilitate the work reasonable discretion is permitted but the exhibit should be grouped in sufficient detail to disclose the specific purpose for which the expenditure was made.
18. Total expenditures by the department from all sources of appropriations and monies received should be included here, which should be a total of the expenditures entered on the sheets and detailed in the attached exhibits.
19. The balance on hand in unexpended appropriations and special funds at August 31, 1936, should be the net difference between the sum of appropriations and appropriated revenues and expenditures.
20. An exhibit showing the detail balances of open appropriations of funds in the Treasury carried over into the subsequent period, and all monies on hand and in bank accounts at August 31, 1936, showing the name of such bank, is to be included herewith. The total of this exhibit should be the same as the net total at August 31, 1936, of the above item.

CALVERT, GRAVES.

The resolution was read second time, and was adopted.

**CONCERNING ERECTION OF
COLD DRINK STAND IN
WALTON STATE
BUILDING**

Mr. Carssow offered the following resolution:

H. C. R. No. 52, To permit the erection of a cold drink stand in the Walton State Building.

Whereas, Walton State Building does not have a cigar or soft drink stand in such building and that there is a need for such a confectionery; and

Whereas, There has been a precedent followed that these stands be placed in local, County, State and Federal Buildings in charge of blind persons; therefore, be it

Resolved by the House of Representatives of the Forty-fifth Legislature of the State of Texas, the Senate concurring, That the Superintendent of Public Buildings and Grounds, and/or the Board of Control, be and is hereby authorized to permit the State Commission for the Blind and the Vocational Rehabilitation Division of the Department of Education to

select a blind citizen of Texas to erect, maintain and operate a confectionery and cigar stand in the lobby of the ground floor in the Walton State Building located in Austin, Texas; and, be it further

Resolved, That no cost shall be incurred by the State of Texas, or any of its departments, and that the supervision of the stand be under the State Commission for the Blind and the Vocational Rehabilitation Division of the Department of Education.

CARSSOW,
ALSUP,
ROARK,
STEVENSON.

The resolution was read second time, and was adopted.

**TO GRANT PERMISSION TO SUE
THE STATE**

Mr. Morse offered the following resolution:

H. C. R. No. 53, To grant D. A. Snyder and Virginia Peters permission to sue the State of Texas and Board of Prison Commissioners of said State.

Whereas, D. A. Snyder and Virginia Peters, a feme sole, on the 23rd day of June, 1935, were injured

in a collision with a Ford V-8 Truck which was then and there the property of the State of Texas, and was then and there under the management and control of the Board of Prison Commissioners, and which truck was being driven and operated by two convicts from the Blue Ridge Prison Farm in Ft. Bend County, Texas; and

Whereas, The said D. A. Snyder and Virginia Peters suffered loss and damage by reason of injuries received by them in the said collision and the loss of property resulting from said collision; and

Whereas, The said D. A. Snyder and Virginia Peters have never been compensated for their said loss and damage; and

Whereas, It is desired that the entire matter be litigated and the liability judicially determined; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the said D. A. Snyder and Virginia Peters, their heirs, executors and administrators be, and they are hereby, granted permission to bring suit against the State of Texas and against the Board of Prison Commissioners, in a Court of competent jurisdiction in Harris County, Texas, in order to ascertain, fix and award the amount of money, if any, the said D. A. Snyder and Virginia Peters, their heirs, executors and administrators are entitled to receive from the State of Texas and the Board of Prison Commissioners as compensation by reason of personal injuries and damages to their property. If such suit be instituted by them or either of them, service of citation and all other necessary process shall be had upon the Governor of the State of Texas, the Chairman of the Board of Prison Commissioners of Texas and the Attorney General of Texas, and the same shall have the same force and effect as made and provided in civil cases; and provided that any of the parties of said suit shall have the right to appeal without the execution of bond; and any judgment that may be finally established against the State of Texas and the Board of Prison Commissioners in said suit shall be a liquidated debt and shall be paid by the Board of Prison Commissioners out of the funds belonging to the State Prison System.

The resolution was read second time, and was referred, by the Chair, to the Committee on State Affairs.

MESSAGE FROM THE SENATE

Austin, Texas, March 8, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 47, A bill to be entitled "An Act to carry into effect Section 48a of Article III of the Constitution; to establish a Teachers' Retirement System of Texas, and declaring an emergency."

S. B. No. 359, A bill to be entitled "An Act providing for the administration of oaths to witnesses by the President of the Senate or the Speaker of the House of Representatives, by any Member of either House, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

RELATIVE TO COMMITTEE TO STUDY TAX STRUCTURE ON NATURAL RESOURCES

Mr. Prescott offered the following resolution:

H. C. R. No. 54, Relative to committee to study tax structure on natural resources.

Whereas, There have been complaints from various groups and factions in recent months that the tax system on natural resources is at such wide variance in different states, with the effect that disturbance, confusion and harm has been a consequence; and

Whereas, The oil producing states have successfully established an interstate oil compact dealing with production, to the satisfaction of all concerned, with Col. E. O. Thompson, chairman of the Texas Railroad Commission, pointing out that such compacts can be successfully carried out on subjects other than oil; and

Whereas, The Governor of Texas, affected industries, citizens in general and Legislators have found these differences confusing, with little or no information as to the real facts; therefore, be it

Resolved, the Senate concurring, That a committee of five Members of

the Legislature, three from the House, to be appointed by the Speaker, and two from the Senate, to be appointed by Lieutenant Governor, to study the tax structure on natural resources among the several states, especially those bordering Texas, and obtain all the information possible and report back with recommendations to the next Legislature, looking toward an interstate compact or mutual agreement. For the purpose of carrying out this resolution an appropriation of \$1,000 is hereby appropriated out of the General Revenue Fund, the members of the committee to serve without pay, but to have the necessary traveling expenses paid when such traveling expenses are necessary.

PRESCOTT,
DAVISSON of Eastland.

The resolution was read second time.

Mr. Harris of Dallas moved that the resolution be referred to the Committee on Oil, Gas and Mining.

Mr. Keefe moved as a substitute motion, that the resolution be referred to the Committee on Revenue and Taxation.

Mr. McKee moved to table the substitute motion by Mr. Keefe.

(Speaker in the Chair.)

Question recurring on the motion to table, it prevailed.

Mr. Prescott moved, as a substitute motion, that the resolution be referred to the Committee on State Affairs.

On motion of Mr. Harris of Dallas, the substitute motion by Mr. Prescott was tabled.

Mr. Quinn moved, as a substitute motion, that the resolution be referred to the Committee on Appropriations.

On motion of Mr. Tennyson, the substitute motion by Mr. Quinn was tabled.

Mr. Tennyson moved to table the resolution.

Mr. Metcalfe raised a point of order, on further consideration of the resolution, at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

MESSAGE FROM THE SENATE

Austin, Texas, March 8, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. C. R. No. 43, In memory of J. K. Freeman of Cameron, Texas.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 158 ON PASSAGE TO ENGROSSMENT

On motion of Mr. Walker, the regular order of business was suspended, at this time, to take up and have placed on its passage to engrossment,

H. B. No. 158, A bill to be entitled "An Act granting and donating to each respective county of this State for a period of five years beginning with the taxable year 1937, all the State ad valorem taxes, not heretofore donated or appropriated to any county, district, city or other political subdivision, collected for general revenue purposes upon the property and from persons in each respective county, including ad valorem taxes on rolling stock belonging to railroad companies, for the use of each respective county for the purposes of constructing improvements to prevent soil erosion, flood control, irrigation and drainage projects, reforestation and road building and further providing that said taxes shall be levied, assessed and collected in the manner now provided by law and that the assessor and collector in each county shall forward his report to the Comptroller covering said collections and shall pay over to the County Treasurer of each respective county all moneys collected by him at the end of each month, except such amounts as may be allowed by the law for collecting and assessing said taxes; requiring said assessor and collector to forward a duplicate copy of the receipt given him by County Treasurer for said moneys to the State Comptroller and defining the purposes and intention of this Act, and declaring an emergency."

The Speaker then laid House Bill No. 158 before the House.

The bill having heretofore been read second time.

Mr. Bell offered the following amendment to the bill:

Amend House Bill No. 158, by adding after the words "road building" in line 7 on page 2 the following language: "and any other constitutional purpose".

The amendment was adopted.

Mr. Alexander offered the following amendment to the bill:

Amend House Bill No. 158, by adding at end of Section 1 the following: "Before any funds herein donated or diverted to any county shall be expended by the Commissioners' Court of such county, a referendum shall be had by referring the matter to the qualified voters of the county, and if such referendum fails said Court shall be required to reduce the tax rate for general purposes in such county in proportion to the amount of such State taxes so donated or diverted."

ALEXANDER,
JONES of Atascosa,
HARRIS of Archer,
MOFFETT.

The amendment was adopted.

Mr. Fielden offered the following amendment to the bill:

Amend House Bill No. 158, by striking out line 31 on page 1.

On motion of Mr. Mauritz, the amendment was tabled.

Mr. Thornton offered the following amendment to the bill:

Amend House Bill No. 158, by adding a new sentence at the end of Section 1, to read as follows:

"This Act shall not apply to those cities, counties or other political subdivisions of this State which are now receiving a donation and grant of ad valorem taxes; provided however, that if the donation and grant of ad valorem taxes now being received by any city, county or other political subdivision shall expire before the expiration date of this bill, then the provisions of this bill shall apply to said cities, counties or other political subdivisions for a period of years equal to the difference between the time the donation and grant, now being received, expires and the expiration date of this bill."

The amendment was adopted.

Mr. Hartzog offered the following amendment to the bill:

Amend House Bill No. 158, by Mauritz, by adding at the end of Sec-

tion (1A) of the engrossed bill the following:

"Provided further that during the tenure of this Act that the automatic tax board is hereby empowered and expressly instructed to set the State ad valorem tax rate for general revenue purposes at a rate of not less than thirty cents per hundred dollars of assessed value."

HARTZOG,
THORNTON.

The amendment was adopted.

Mr. Ragsdale offered the following amendment to the bill:

Amend House Bill No. 158, by adding a new section to read as follows:

"Provided that this or succeeding Legislatures may designate and allot to specific districts authorities created under the provisions of Section 59a, Article XVI, Revised Statutes, such portions of the State ad valorem tax hereby remitted as may be deemed necessary, provided, however, that the total of all such allotments shall not at any time exceed an amount equal to ½ of said remission of the State ad valorem tax."

Mr. McConnell raised a point of order, on further consideration of House Bill No. 158, on the ground that the bill violates Sections 6 and 10 of Article VIII of the Constitution.

The Speaker overruled the point of order.

Mr. Jones of Wise offered the following amendment to the amendment by Mr. Ragsdale:

Amend Ragsdale amendment, by adding after the word "Statutes" on line 10 of the amendment the following: "or to any governmental subdivision".

The amendment was adopted.

The amendment, as amended, was then adopted.

Mr. Patterson of Travis raised a point of order, on further consideration of House Bill No. 158, on the ground that the bill violates Section 48 of Article III of the Constitution.

The Speaker overruled the point of order.

Mr. Rutta moved the previous question on the passage of House Bill No. 158 to engrossment, and the main question was ordered.

House Bill No. 158 was then passed to engrossment by the following vote:

Yeas—69

Adkins	King
Alexander	Knetsch
Alsup	Lanning
Amos	Leonard
Bell	London
Boethel	Lucas
Boyer	Mann
Bradford	Mauritz
Broadfoot	Mays
Callan	McCracken
Carssow	Moffett
Cathey	Morse
Cauthorn	Newton
Celaya	Oliver
Cleveland	Petsch
Davis of Jasper	Powell
Davisson	Prescott
of Eastland	Quinn
Deglandon	Ragsdale
Derden	Rhodes
Dollins	Riddle
England	Ross
Fox	Russell
Hamilton	Rutta
Harper	Sewell
Harris of Archer	Simpson
Hartzog	Skaggs
Heflin	Smith
Herzik	of Matagorda
Howard	Talbert
Johnson of Ellis	Tarwater
Johnson	Thornton
of Tarrant	Waggoner
Jones of Atascosa	Walker
Keefe	Weldon
Kenyon	Winfree

Nays—55

Baker	Huddleston
Bates	Jackson
Beckworth	Jones of Angelina
Blankenship	Jones of Falls
Bond	Jones of Wise
Bradbury	Keith
Bridgers	Kelt
Brown	Kern
Burton	Langdon
Colquitt	Lankford
Davison of Fisher	McConnell
Dickson	McFarland
Farmer	Metcalfe
Felty	Monkhouse
Fielden	Morris
Fuchs	Nicholson
Gibson	Palmer
Graves	Patterson of Mills
Hankamer	Patterson
Hanna	of Travis
Harbin	Roark
Harrell	Schuenemann
Harris of Dallas	Settle
Harris of Dickens	Sharpe

Smith of Hopkins	Tennyson
Stinson	Thornberry
Stocks	Wood
Tennant	Worley

Present—Not Voting

McDonald

Absent

Davis of Haskell	Pope
Holland	Reader
Hoskins	Reed of Dallas
Leath	Shell
Little	Smith of Tarrant
Loggins	Vale
McKee	Westbrook
McKinney	

Absent—Excused

Cagle	James
Dean	Leyendecker
Hardin	Reed of Bowie
Hull	Stevenson
Hyder	

PAIRED

Mr. McDonald (present), who would vote "nay", with Mr. Stevenson (absent), who would vote "yea".

Mr. Rutta moved to reconsider the vote by which House Bill No. 158 was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO TAKE UP HOUSE
BILL NO. 158

Mr. Mauritz moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 158 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—76

Adkins	Cleveland
Alexander	Davis of Jasper
Alsup	Davisson
Amos	of Eastland
Bell	Deglandon
Boethel	Derden
Boyer	Dollins
Bradford	Fox
Broadfoot	Hamilton
Callan	Harper
Carssow	Harrell
Cathey	Harris of Archer
Cauthorn	Hartzog
Celaya	Heflin

Herzik	Powell
Howard	Prescott
Johnson of Ellis	Quinn
Johnson	Ragsdale
of Tarrant	Reed of Dallas
Jones of Atascosa	Rhodes
Kenyon	Riddle
King	Ross
Knetsch	Rutta
Lanning	Settle
Little	Sewell
Loggins	Shell
London	Simpson
Lucas	Skaggs
Mann	Smith
Mauritz	of Matagorda
Mays	Smith of Tarrant
McCracken	Talbert
McKinney	Tarwater
Moffett	Thornton
Morse	Waggoner
Newton	Walker
Oliver	Weldon
Palmer	Westbrook
Petsch	Winfree
Pope	

Nays—55

Baker	Jones of Falls
Bates	Jones of Wise
Beckworth	Keefe
Blankenship	Keith
Bond	Kelt
Bradbury	Kern
Bridgers	Langdon
Brown	Lankford
Burton	McConnell
Colquitt	McFarland
Davison of Fisher	Monkhouse
Dickson	Morris
England	Nicholson
Farmer	Patterson of Mills
Felty	Patterson
Fielden	of Travis
Fuchs	Roark
Gibson	Russell
Graves	Schuenemann
Hankamer	Sharpe
Hanna	Smith of Hopkins
Harbin	Stinson
Harris of Dallas	Stocks
Harris of Dickens	Tennant
Hoskins	Tennyson
Huddleston	Thornberry
Jackson	Wood
Jones of Angelina	Worley

Present—Not Voting

McDonald

Absent

Davis of Haskell	McKee
Holland	Metcalf
Leath	Reader
Leonard	Vale

Absent—Excused

Cagle	James
Dean	Leyendecker
Hardin	Reed of Bowie
Hull	Stevenson
Hyder	

PAIRED

Mr. McDonald (present), who would vote "nay", with Mr. Stevenson (absent), who would vote "yea".

HOUSE BILL NO. 36 ON SECOND READING

On motion of Mr. Stinson, the regular order of business was suspended, at this time, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 36, A bill to be entitled "An Act amending Article 752 of Chapter 7, Title 12 of the Penal Code of 1925, as amended by Section 15 of Chapter 244, page 606, of the Acts of the Regular Session of the Forty-fourth Legislature; and amending Chapter 7, Title 12 of the Penal Code of 1925, as amended by Section 16 of Chapter 244, page 606, of the Acts of the Regular Session of the Forty-fourth Legislature, and declaring certain legislative intent in respect to this Act, and declaring an emergency."

The Speaker then laid House Bill No. 36 before the House, and it was read second time.

Mr. Stinson offered the following committee amendment to the bill:

Amend House Bill No. 36, by striking out all of Section 2 beginning with the words: "Article 752a," and substitute therefor the following: "Article 752a. It shall be unlawful for any person, firm or corporation to engage in or be guilty of any unprofessional conduct in the practice of dentistry, directly or indirectly. Any unprofessional conduct, as used herein, mean and include any one or more of the following acts; to wit:

(a) employing "Cappers" or "Steerers" to solicit and/or obtain business;

(b) obtaining any fee by fraud or misrepresentation;

(c) employing directly or indirectly or permitting any unlicensed person to perform dental services upon any person in any room or office under his or her control;

(d) circulate any statement as to the skill or method of practicing dentistry of any person through the means of bills, posters, circulars, cards, stereoptican slides, motion pictures, radios, newspapers, or other advertising agencies or devices;

(e) making use of any advertising statement of a character tending to mislead or deceive the public;

(f) advertising professional superiority or the performance of professional services in a superior manner;

(g) advertising prices for professional services in the practice of dentistry, or comparative values thereof;

(h) advertising bargains, cut rates, or special values in dental services or productions with or without specifying the time they shall apply;

(i) advertising any free dental work or free examination;

(j) advertising to guarantee any dental services;

(k) advertising to perform any dental operation painlessly;

(l) publishing or circulating reports of cases or statements of patients in any newspaper, or to circulate same in any other way whatsoever;

(m) advertising by any means the using of any secret anaesthetic, drug, formula, medicine, method or system;

(n) employing any person or persons to obtain, contract for, sell or solicit patronage, or making use of free publicity press agents;

(o) advertising by means of large display signs, or glaring light signs, electric or neon, or such signs containing as a part thereof the representation of a tooth, teeth, bridgework, plates of teeth or any portion of the human head, or using specimens of such in display, directing the attention of the public to any such person or persons engaged in the practice of dentistry;

(p) advertising dental plates, or restorations, or the materials used in their construction, under any fictitious, fancy, or unscientific names unapproved by the dental profession, or manufacturers of such materials and which cannot be identified by the patient;

(q) advertising to the public any commercial dental laboratory or dental clinic;

(r) giving a public demonstration of skill or methods of practicing dentistry for the purpose of securing patronage;

(s) forging, altering, or changing any diploma, license, registration certificate, transcript or any other legal document pertaining to the practice of dentistry, being a party thereto, or beneficiary therein, or making any false statement about or in securing such document, or being guilty of misusing the same;

(t) using any photostat, copy transcript or any other representation in lieu of a diploma, license, or registration certificate as evidence of authority to practice dentistry.

Provided, that any duly licensed practitioner of dentistry may publicly announce by way of newspaper or professional card that he is engaged in the practice of dentistry, giving his name, degree, office location where he is actually engaged in practice, office hours, telephone numbers and residence address; and if he limits his practice to a specialty, he may state same."

ENGLAND.

Mr. Patterson of Travis offered the following amendment to the committee amendment:

Amend committee amendment, by striking out Sections G, H, I and J, lines 8 to 14, page 4.

On motion of Mr. Stinson, the amendment was tabled.

Question recurring on the committee amendment, it was adopted.

Mr. Derden offered the following amendment to the bill:

Amend House Bill No. 36, by striking out the period following the word "them" in line 38, page one, and inserting in lieu thereof a comma and the following words, to read as follows: "provided that such a firm, partnership, or associates may employ practicing dentists to work in their office for a salary, provided such employee shall be employed in the room, rooms, office or offices where such firm, partnership or associates do their work and maintain their practice".

On motion of Mr. Stocks, the amendment was tabled.

Mr. Stinson offered the following amendment to the bill:

Amend House Bill No. 36, by striking out all above the enacting clause,

and substituting therefor the following:

"An Act to amend Article 752, Chapter 7, Title 12, of the Penal Code of 1925, as amended by Section 15 of Chapter 244, page 606 of the Acts of the Regular Session of the Forty-fourth Legislature; and to amend Chapter 7, Title 12 of the Penal Code of 1925, as amended by Section 16, Chapter 244, page 606 of the Acts of the Regular Session of the Forty-fourth Legislature and making it unlawful to obtain business in connection with the practice of dentistry by employing 'cappers' or 'steerers', and making it unlawful to do certain other things prohibited in this Act in connection with the practice of dentistry, even though fraud is not used in connection therewith, and declaring certain legislative intent with respect to this Act and the things prohibited herein, and declaring an emergency."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 36 was then passed to engrossment.

HOUSE BILL NO. 36 ON THIRD READING

Mr. Stinson moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 36 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—126

Adkins	Cleveland
Alexander	Colquitt
Alsup	Davis of Haskell
Amos	Davis of Jasper
Baker	Davison of Fisher
Bates	Davisson
Beckworth	of Eastland
Bell	Deglandon
Blankenship	Derden
Boethel	Dickison
Bond	Dollins
Boyer	England
Bradbury	Farmer
Bridgers	Felty
Broadfoot	Fielden
Brown	Fox
Burton	Fuchs
Callan	Graves
Cauthorn	Hamilton
Celaya	Hankamer

Hanna	Morse
Harbin	Newton
Harper	Nicholson
Harrell	Oliver
Harris of Archer	Patterson of Mills
Harris of Dallas	Patterson
Harris of Dickens	of Travis
Heflin	Petsch
Herzik	Pope
Holland	Powell
Hoskins	Prescott
Howard	Quinn
Huddleston	Ragsdale
Jackson	Reader
Johnson of Ellis	Reed of Dallas
Johnson	Rhodes
of Tarrant	Roark
Jones of Angelina	Ross
Jones of Wise	Russell
Keefe	Rutta
Keith	Schuenemann
Kelt	Settle
Kern	Sewell
King	Sharpe
Knetsch	Shell
Langdon	Skaggs
Lankford	Smith of Hopkins
Lanning	Smith
Leonard	of Matagorda
Little	Smith of Tarrant
London	Stinson
Lucas	Stocks
Mann	Talbert
Mauritz	Tarwater
Mays	Tennant
McConnell	Tennyson
McCracken	Thornberry
McDonald	Thornton
McFarland	Waggoner
McKee	Walker
McKinney	Weldon
Metcalfe	Westbrook
Moffett	Winfree
Monkhouse	Wood
Morris	Worley

Present—Not Voting

Simpson

Absent

Bradford	Kenvon
Carsow	Leath
Cathey	Loggins
Gibson	Palmer
Hartzog	Riddle
Jones of Atascosa	Vale
Jones of Falls	

Absent—Excused

Cagle	James
Dean	Leyendecker
Hardin	Reed of Bowie
Hull	Stevenson
Hyder	

The Speaker then laid House Bill No. 36 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—131

Adkins	Huddleston
Alexander	Jackson
Alsup	Johnson of Ellis
Amos	Johnson
Baker	of Tarrant
Bates	Jones of Angelina
Beckworth	Jones of Falls
Bell	Jones of Wise
Blankenship	Keefe
Boethel	Keith
Bond	Kelt
Boyer	Kern
Bradbury	King
Bradford	Knetsch
Bridgers	Langdon
Broadfoot	Lankford
Brown	Lanning
Burton	Leonard
Callan	Little
Carssow	London
Cathey	Lucas
Cauthorn	Mann
Celaya	Mays
Cleveland	McConnell
Colquitt	McCracken
Davis of Haskell	McDonald
Davis of Jasper	McFarland
Davison of Fisher	McKee
Davisson	McKinney
of Eastland	Metcalfe
Deglandon	Moffett
Derden	Monkhouse
Dickison	Morris
Dollins	Morse
England	Newton
Farmer	Nicholson
Felty	Oliver
Fielden	Palmer
Fox	Patterson of Mills
Fuchs	Patterson
Gibson	of Travis
Graves	Petsch
Hamilton	Pope
Hankamer	Powell
Hanna	Prescott
Harbin	Quinn
Harper	Ragsdale
Harrell	Reader
Harris of Archer	Reed of Dallas
Harris of Dallas	Rhodes
Harris of Dickens	Roark
Heflin	Ross
Herzik	Russell
Holland	Rutta
Hoskins	Schuenemann
Howard	Settle

Sewell	Tennant
Sharpe	Tennyson
Shell	Thornberry
Skaggs	Thornton
Smith of Hopkins	Vale
Smith	Walker
of Matagorda	Weldon
Smith of Tarrant	Westbrook
Stinson	Winfree
Stocks	Wood
Talbert	Worley
Tarwater	

Present—Not Voting

Waggoner	Simpson
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Absent

Hartzog	Loggins
Jones of Atascosa	Mauritz
Kenyon	Riddle
Leath	

Absent—Excused

Cagle	James
Dean	Leyendecker
Hardin	Reed of Bowie
Hull	Stevenson
Hyder	

HOUSE BILL NO. 347 ON SECOND READING

On motion of Mr. Keefe, the regular order of business was suspended, at this time, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 347, A bill to be entitled "An Act prohibiting a freight train to consist of more than seventy cars exclusive of caboose, to be run on any Texas railroad; prohibiting a passenger train to consist of more than fourteen cars to be run on any Texas railroad; providing for a penalty for violation of laws, and declaring an emergency."

The Speaker then laid House Bill No. 347 before the House; it was read second time and was passed to engrossment.

HOUSE BILL NO. 347 ON THIRD READING

Mr. Keefe moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 347 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—110

Amos	Bates
Baker	Beckworth

Bell	Little
Boethel	Loggins
Boyer	London
Bradbury	Lucas
Bridgers	Mann
Broadfoot	Mauritz
Brown	Mays
Burton	McConnell
Carssow	McCracken
Cathey	McDonald
Cauthorn	McFarland
Celaya	McKee
Cleveland	Metcalfe
Davis of Jasper	Moffett
Davison of Fisher	Morris
Davisson	Morse
of Eastland	Newton
Deglandon	Nicholson
Derden	Oliver
Dickison	Palmer
Dollins	Patterson of Mills
Farmer	Pope
Felty	Powell
Fielden	Prescott
Fox	Quinn
Gibson	Ragsdale
Graves	Reader
Hankamer	Reed of Dallas
Hanna	Rhodes
Harbin	Roark
Harrell	Ross
Harris of Archer	Russell
Harris of Dallas	Rutta
Harris of Dickens	Settle
Hartzog	Sewell
Heflin	Simpson
Holland	Skaggs
Howard	Smith of Hopkins
Huddleston	Smith
Jackson	of Matagorda
Johnson of Ellis	Smith of Tarrant
Johnson	Stocks
of Tarrant	Talbert
Jones of Angelina	Tarwater
Jones of Atascosa	Tennant
Jones of Wise	Tennyson
Keefe	Thornberry
Keith	Vale
Kelt	Waggoner
Kern	Walker
King	Weldon
Langdon	Winfree
Lankford	Wood
Lanning	Worley
Leonard	

Nays—18

Adkins	Davis of Haskell
Alexander	Fuchs
Alsup	McKinney
Blankenship	Monkhouse
Bradford	Patterson
Callan	of Travis
Colquitt	Petsch

Schuenemann	Stinson
Sharpe	Thornton
Shell	

Present—Not Voting

Harper

Absent

Bond	Kenyon
England	Knetsch
Hamilton	Leath
Herzik	Riddle
Hoskins	Westbrook
Jones of Falls	

Absent—Excused

Cagle	James
Dean	Leyendecker
Hardin	Reed of Bowie
Hull	Stevenson
Hyder	

The Speaker then laid House Bill No. 347 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—117

Amos	Hankamer
Bates	Hanna
Beckworth	Harbin
Bell	Harrell
Blankenship	Harris of Archer
Boethel	Harris of Dallas
Bond	Harris of Dickens
Boyer	Hartzog
Bradbury	Heflin
Bridgers	Holland
Broadfoot	Howard
Brown	Huddleston
Burton	Jackson
Carssow	Johnson of Ellis
Cathey	Johnson
Cauthorn	of Tarrant
Celaya	Jones of Angelina
Cleveland	Jones of Atascosa
Colquitt	Jones of Falls
Davis of Jasper	Jones of Wise
Davison of Fisher	Keefe
Davisson	Keith
of Eastland	Kelt
Deglandon	Kern
Derden	King
Dickison	Langdon
Dollins	Lankford
Farmer	Lanning
Felty	Leath
Fielden	Leonard
Fox	Little
Gibson	Loggins
Graves	London
Hamilton	Lucas

Mann	Ross
Mauritz	Russell
Mays	Rutta
McConnell	Settle
McCracken	Sewell
McDonald	Sharpe
McFarland	Simpson
McKee	Skaggs
Metcalfe	Smith of Hopkins
Moffett	Smith
Morris	of Matagorda
Morse	Smith of Tarrant
Newton	Stocks
Nicholson	Talbert
Oliver	Tarwater
Palmer	Tennant
Patterson of Mills	Tennyson
Pope	Thornberry
Powell	Vale
Prescott	Waggoner
Quinn	Walker
Ragsdale	Weldon
Reader	Westbrook
Reed of Dallas	Winfree
Rhodes	Wood
Roark	Worley

Nays—15

Adkins	Monkhouse
Alsup	Patterson
Bradford	of Travis
Callan	Petsch
Davis of Haskell	Schuenemann
Fuchs	Shell
Harper	Stinson
McKinney	Thornton

Absent

Alexander	Hoskins
Baker	Kenyon
England	Knetsch
Herzik	Riddle

Absent—Excused

Cagle	James
Dean	Leyendecker
Hardin	Reed of Bowie
Hull	Stevenson
Hyder	

Mr. Keefe moved to reconsider the vote by which House Bill No. 347 was passed, and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE HOUSE BILL NO. 363 ON SECOND READING

Mr. Harbin moved that the regular order of business be suspended, at this time, to take up and have placed on its second reading and passage to engrossment,

H. B. No. 363, A bill to be entitled "An Act amending Section 6, Chapter 13, Acts of the Forty-second Legislature, Third Called Session, creating a special fund in the State Treasury to be known as the 'County Lateral Road Fund'; providing that the revenue from the gasoline tax shall be allocated one-fourth to the Available School Fund, one-fourth to the County and Road District Highway Fund, one-fourth to the State Highway Fund and the remainder to the County Lateral Road Fund created by this Act, until the amount in such fund reaches \$4,180,000.00 at which time the moneys shall be allocated to the State Highway Fund, and declaring an emergency."

The motion was lost.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read the following message from the Governor:

March 8, 1937
Austin, Texas

To the Members of the Forty-fifth Legislature:

(In Regular Session)

I respectfully submit this estimate of the amount of emergency appropriation to cover deficiencies arising in the appropriation of the Adjutant General's Department for the fiscal year ending August 31st, 1937. The appropriation for general maintenance was exhausted March 1st, 1937, and is the item desired to supplement Adjutant General's Department appropriation found on page 1052, Forty-fourth Legislature, Regular Session, as follows: General maintenance, traveling expenses, bond premiums, drayage, auto hire, express, truck, tractor, extra help and other necessary expenses—supplementing WPA Projects in improving existing facilities at Camp Mabry, Camp Hulen and Camp Wolters \$53,000.00.

Excessive demands have been made upon this item of said appropriation by reason of the organization of two new Texas National Guard Regiments—the 133rd Field Artillery and the 111th Quartermaster Regiment—and the sponsoring of WPA projects at Camp Hulen, Palacios, Texas, Camp Wolters, Mineral Wells, Texas, and Camp Mabry, Austin, Texas, as follows:

Camp Mabry, Austin,	
Texas	\$253,747.61

Camp Hulen, Palacios, Texas	107,348.81
Camp Wolters, Mineral Wells, Texas	22,662.61
Or a total of	\$383,759.03

The entire 111th Quartermaster Regiment is being housed at Camp Mabry in State-owned armories, the only State-owned armories in Texas. Comparing rentals paid by other regiments throughout the State, this represents a saving of not less than \$1,000.00 per month.

This Department has been able to secure the material in four abandoned CCC Camps located at Bowie, Boyd, Big Spring and Farmersville, Texas. WPA projects have been completed whereby these camps can be dismantled by WPA labor and we will be able to secure approximately 25 carloads of lumber and material for use on construction work of our other WPA projects heretofore mentioned at a very small proportionate cost to the State of Texas.

The bill creating the Department of Public Safety, part of which is quoted below, charged the Adjutant General to provide adequate quarters and facilities for a training school for Highway Patrolmen and Peace Officers: "By an Act of 1935, Forty-fourth Legislature, page 444, Chapter 181, paragraph 17, the Adjutant General shall provide suitable buildings, land and State-owned equipment located in Camp Mabry, Austin, Texas, for the use of this bureau in the conduct of its training schools."

This Department also furnishes a building for maintenance shops of the Department of Public Safety.

The following request has been made by Colonel H. H. Carmichael, Director of Public Safety, approved by the Public Safety Commission. He states:

"A requisition was made upon the Board of Control for adequate space in which to house the personnel of the Department of Public Safety. A contract was entered into by the Board of Control with the Austin Labor Temple who offered to build a three-story building adjacent to the Labor Temple on Brazos Street. The monthly rental for this space was \$1,000.00 per month, plus utilities. The Labor Temple to date has not been able to finance this building and it is very doubtful that the building will ever be financed. The Adjutant General has agreed to furnish the Department of Public Safety

two brick buildings at Camp Mabry that can be utilized until adequate space down town can be provided by the State. This alone would be a saving to the State of Texas of \$1,000.00 per month and would enable the Department of Public Safety to house together their entire personnel, schools and shops which are now scattered in six buildings—four down town and two at Camp Mabry.

"Out of the material of the four CCC Camps and the above appropriation, sufficient material and labor can be secured to adequately recondition the administration, school and shop buildings of the Department of Public Safety."

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 47, to the Committee on Education.

Senate Bill No. 359, to the Committee on Judiciary.

HOUSE BILL ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Graves:

H. B. No. 979, A bill to be entitled "An Act making an emergency appropriation to the Adjutant General's Department of the State of Texas of Fifty-three Thousand (\$53,000.00) Dollars for the fiscal year ending August 31, 1937, and declaring an emergency."

Referred to the Committee on Appropriations.

EXPRESSING APPRECIATION TO MEMBERS OF THE HOUSE

The Speaker laid before the House and had read the following communication:

Austin, Texas, March 8, 1937.
Honorable Robert W. Calvert, Speaker,
House of Representatives.

My Dear Mr. Calvert:

Please convey to the Members of the Forty-fifth Legislature my very

sincere appreciation of their note of sympathy expressed in the beautiful spring flowers sent to me during my illness.

Sincerely yours,

RAWLINS M. COLQUITT,
Representative 51st District.

RECESS

Mr. Kern moved that the House recess to 2:00 o'clock p. m., today.

Mr. Harris of Dallas moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion by Mr. Harris of Dallas, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—51

Adkins	Hartzog
Alexander	Heflin
Bates	Jackson
Beckworth	Johnson
Blankenship	of Tarrant
Boethel	Jones of Falls
Boyer	King
Burton	Leonard
Callan	Little
Carssow	Loggins
Cathey	McCracken
Cleveland	McKee
Colquitt	McKinney
Davisson	Monkhouse
of Eastland	Morse
Deglandon	Nicholson
Dickison	Palmer
Dollins	Patterson of Mills
England	Petsch
Felty	Powell
Gibson	Riddle
Graves	Sewell
Hankamer	Skaggs
Hanna	Smith
Harbin	of Matagorda
Harris of Archer	Stocks
Harris of Dallas	Thornton

Nays—64

Alsup	Farmer
Amos	Fox
Bell	Fuchs
Bond	Hamilton
Bradbury	Harrell
Bradford	Harris of Dickens
Broadfoot	Holland
Brown	Hoskins
Cauthorn	Johnson of Ellis
Davis of Jasper	Jones of Angelina
Davison of Fisher	Jones of Atascosa
Derden	Jones of Wise

Keefe	Roark
Keith	Ross
Kern	Russell
Knetsch	Rutta
Lankford	Schuenemann
Lucas	Settle
Mann	Sharpe
Mauritz	Simpson
Mays	Smith of Hopkins
McConnell	Smith of Tarrant
McDonald	Talbert
McFarland	Tarwater
Moffett	Tennant
Morris	Tennyson
Oliver	Thornberry
Patterson	Vale
of Travis	Waggoner
Prescott	Weldon
Quinn	Westbrook
Ragsdale	Wood
Reed of Dallas	

Present—Not Voting

Fielden	Walker
Absent	
Baker	Leath
Bridgers	London
Celaya	Metcalfe
Davis of Haskell	Newton
Harper	Pope
Herzik	Reader
Howard	Rhodes
Huddleston	Shell
Kelt	Stinson
Kenyon	Winfree
Langdon	Worley
Lanning	

Absent—Excused

Cagle	James
Dean	Leyendecker
Hardin	Reed of Bowie
Hull	Stevenson
Hyder	

Question then recurring on the motion by Mr. Kern, it prevailed, and the House, accordingly, at 12:15 o'clock p. m., took recess to 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

CONFERENCE COMMITTEE ON HOUSE BILL NO. 150

The Speaker announced the appointment of the following conference committee, on the part of the House,

on House Bill No. 150: Mr. Quinn, Mr. McDonald, Mr. Hankamer, Mr. Metcalfe and Mr. Nicholson.

HOUSE BILL NO. 48 ON PASSAGE TO ENGROSSMENT

Mr. Farmer moved that the regular order of business be suspended, at this time, to take up and have placed on its passage to engrossment,

H. B. No. 48, A bill to be entitled "An Act creating a system of Old Age Assistance in Texas, placing restrictions on the granting of such assistance; creating the Texas Old Age Assistance Commission; prescribing their terms of office, qualifications and duties; fixing their salaries; providing for the appointment of an Executive Director to the Old Age Assistance Commission and a Chief Auditor; prescribing qualifications, duties and salaries of such Executive Director and Chief Auditor; providing for applications by those entitled to old age assistance and the hearing of same by the county judge of the county wherein the applicant resides; and providing for the selection and appointment of necessary personnel; providing for the filing of an application for assistance by the applicants therefor and the necessary information required, etc., and declaring an emergency."

The roll of the House was called and the vote announced as follows:

Yeas—75

Alsup	Hamilton
Amos	Hanna
Bates	Harbin
Beckworth	Harrell
Bell	Harris of Dallas
Blankenship	Herzik
Bradbury	Holland
Brown	Johnson of Ellis
Callan	Jones of Angelina
Cathey	Jones of Atascosa
Carsow	Keefe
Cauthorn	Kern
Cleveland	Lankford
Davis of Haskell	Lanning
Davis of Jasper	Leath
Davison of Fisher	Loggins
Davison	London
of Eastland	Lucas
Deglandon	Mann
Derden	Mauritz
Dickison	Mays
Dollins	McConnell
Farmer	McDonald
Felty	Moffett
Fielden	Oliver

Palmer	Shell
Patterson of Mills	Skaggs
Patterson	Smith of Hopkins
of Travis	Smith
Powell	of Matagorda
Prescott	Smith of Tarrant
Ragsdale	Stinson
Reader	Stocks
Reed of Dallas	Talbert
Rhodes	Tennant
Russell	Weldon
Schuenemann	Westbrook
Sewell	Winfree
Sharpe	Wood

Nays—20

Alexander	McFarland
Burton	McKinney
Colquitt	Metcalfe
Fox	Morris
Graves	Morse
Harris of Archer	Roark
Johnson	Thornberry
of Tarrant	Thornton
Jones of Wise	Walker
Keith	Worley
Knetsch	

Absent

Adkins	Kenyon
Baker	King
Boethel	Langdon
Bond	Leonard
Boyer	Little
Bradford	McCracken
Bridgers	McKee
Broadfoot	Monkhouse
Celaya	Newton
England	Nicholson
Fuchs	Petsch
Gibson	Pope
Hankamer	Quinn
Harper	Riddle
Harris of Dickens	Ross
Hartzog	Rutta
Heflin	Settle
Hoskins	Simpson
Howard	Tarwater
Huddleston	Tennyson
Jackson	Vale
Jones of Falls	Waggoner
Kelt	

Absent—Excused

Cagle	James
Dean	Leyendecker
Hardin	Reed of Bowie
Hull	Stevenson
Hyder	

The Speaker announced that there was not a quorum present.

Mr. Johnson of Ellis moved a call of the House for the purpose of se-

curing and maintaining a quorum until 5:00 o'clock p. m., today, and the call was duly ordered.

The roll of the House was again called, and a quorum was announced present.

Question again recurring on the motion by Mr. Farmer, to take up House Bill No. 48, it prevailed by the following vote:

Yeas—81

Alsup	London
Amos	Lucas
Bates	Mann
Beckworth	Mauritz
Bell	Mays
Boethel	McConnell
Bradbury	McDonald
Brown	McKee
Callan	Moffett
Carssow	Nicholson
Cauthorn	Oliver
Cleveland	Palmer
Davis of Haskell	Patterson of Mills
Davis of Jasper	Patterson
Davisson	of Travis
of Eastland	Powell
Deglandon	Prescott
Derden	Ragsdale
Dickson	Reed of Dallas
Dollins	Rhodes
Farmer	Ross
Fielden	Russell
Fuchs	Schuenemann
Hanna	Settle
Harbin	Sewell
Harrell	Sharpe
Harris of Dallas	Shell
Harris of Dickens	Simpson
Herzik	Skaggs
Holland	Smith of Hopkins
Huddleston	Smith
Johnson of Ellis	of Matagorda
Jones of Angelina	Smith of Tarrant
Jones of Atascosa	Stinson
Keefe	Stocks
Kelt	Talbert
Kern	Tennant
King	Vale
Lankford	Weldon
Lanning	Westbrook
Leath	Winfree
Loggins	Wood

Nays—32

Alexander	Felty
Blankenship	Fox
Bond	Graves
Boyer	Hamilton
Burton	Hankamer
Colquitt	Harris of Archer
England	Hoskins

Johnson	Morse
of Tarrant	Roark
Jones of Falls	Rutta
Jones of Wise	Tarwater
Keith	Thornberry
Knetsch	Thornton
McFarland	Waggoner
McKinney	Walker
Metcalfe	Worley
Morris	

Present—Not Voting

Broadfoot

Absent

Adkins	Kenyon
Baker	Langdon
Bradford	Leonard
Bridgers	Little
Cathey	McCracken
Celaya	Monkhouse
Davison of Fisher	Newton
Gibson	Petsch
Harper	Pope
Hartzog	Quinn
Heflin	Reader
Howard	Riddle
Jackson	Tennyson

Absent—Excused

Cagle	James
Dean	Leyendecker
Hardin	Reed of Bowie
Hull	Stevenson
Hyder	

The Speaker then laid House Bill No. 48 before the House, same having heretofore been read second time and recommitted to the Committee on State Affairs.

The Committee on State Affairs having again reported the bill favorably.

Mr. Harris of Dallas moved to reconsider the vote by which the call of the House was ordered.

Mr. Lucas moved to table the motion to reconsider.

The motion to table was lost.

Question recurring on the motion to reconsider, yeas and nays were demanded.

The motion to reconsider prevailed by the following vote:

Yeas—76

Adkins	Bell
Alexander	Blankenship
Alsup	Boethel
Baker	Bond
Bates	Boyer

Bradbury	McCracken
Bradford	McDonald
Burton	McFarland
Carssow	McKee
Cathey	McKinney
Cleveland	Metcalfe
Davison of Fisher	Moffett
Dickison	Monkhouse
England	Morse
Felty	Nicholson
Fielden	Patterson
Fuchs	of Travis
Gibson	Petsch
Graves	Pope
Hankamer	Reed of Dallas
Harper	Roark
Harris of Archer	Rutta
Harris of Dallas	Settle
Heflin	Shell
Herzik	Smith of Hopkins
Hoskins	Smith
Johnson	of Matagorda
of Tarrant	Smith of Tarrant
Jones of Angelina	Stinson
Jones of Atascosa	Stocks
Jones of Falls	Talbert
Jones of Wise	Tarwater
Keefe	Tennyson
Kern	Thornberry
Knetsch	Thornton
Lanning	Waggoner
Leath	Walker
Little	Winfree
Loggins	Worley
Mauritz	

Nays—45

Amos	London
Beckworth	Lucas
Brown	Mann
Callan	Mays
Cauthorn	McConnell
Davis of Jasper	Oliver
Davis of Haskell	Palmer
Davisson	Patterson of Mills
of Eastland	Powell
Deglandon	Prescott
Derden	Quinn
Dollins	Ragsdale
Farmer	Reader
Hamilton	Ross
Hanna	Russell
Harrell	Sewell
Harris of Dickens	Sharpe
Holland	Simpson
Huddleston	Skaggs
Johnson of Ellis	Tennant
Kelt	Weldon
King	Westbrook
Lankford	Wood

Absent

Bridgers	Celaya
Broadfoot	Colquitt

Fox	Leonard
Harbin	Morris
Hartzog	Newton
Howard	Rhodes
Jackson	Riddle
Keith	Schuenemann
Kenyon	Vale
Langdon	

Absent—Excused

Cagle	James
Dean	Leyendecker
Hardin	Reed of Bowie
Hull	Stevenson
Hyder	

Question—Shall the call of the House be ordered?

The motion for the call of the House was seconded.

Question recurring on the motion for the call of the House, yeas and nays were demanded.

The roll of the House was called and the vote announced, as follows:

Yeas, 61; nays, 64.

Mr. Lucas requested a verification of the vote.

The roll of the "yeas" and "nays" was again called and the verified vote resulted as follows:

Yeas—59

Amos	Kern
Bates	King
Beckworth	Lankford
Bradbury	London
Brown	Lucas
Callan	Mann
Cathey	Mauritz
Cauthorn	Mays
Davis of Haskell	McConnell
Davis of Jasper	Newton
Davisson	Oliver
of Eastland	Palmer
Deglandon	Patterson of Mills
Derden	Powell
Dickison	Prescott
Dollins	Quinn
Farmer	Ragsdale
Fielden	Reed of Dallas
Hamilton	Rhodes
Hanna	Ross
Harbin	Russell
Harrell	Sewell
Harris of Dickens	Sharpe
Herzik	Skaggs
Holland	Smith of Tarrant
Huddleston	Stocks
Johnson of Ellis	Tennant
Jones of Atascosa	Weldon
Keefe	Westbrook
Kelt	Winfree

Nays—63

Alexander	Little
Alsup	Loggins
Baker	McCracken
Bell	McDonald
Blankenship	McFarland
Boethel	McKee
Bond	McKinney
Boyer	Metcalfe
Bradford	Moffett
Burton	Monkhouse
Carssow	Morris
Cleveland	Morse
Colquitt	Nicholson
Davison of Fisher	Patterson
England	of Travis
Felty	Petsch
Fuchs	Pope
Gibson	Roark
Graves	Rutta
Hankamer	Settle
Harper	Shell
Harris of Archer	Smith of Hopkins
Harris of Dallas	Smith
Heflin	of Matagorda
Hoskins	Stinson
Johnson	Talbert
of Tarrant	Tarwater
Jones of Angelina	Tennyson
Jones of Falls	Thornberry
Jones of Wise	Thornton
Keith	Waggoner
Knetsch	Walker
Lanning	Worley

Absent

Adkins	Langdon
Bridgers	Leath
Broadfoot	Leonard
Celaya	Reader
Fox	Riddle
Hartzog	Schuenemann
Howard	Simpson
Jackson	Vale
Kenyon	Wood

Absent—Excused

Cagle	James
Dean	Leyendecker
Hardin	Reed of Bowie
Hull	Stevenson
Hyder	

The Speaker announced that the motion for the call of the House was lost.

Mr. Thornton raised a point of order, on further consideration of House Bill No. 48, on the ground that the House, by previous vote, had recommitted the bill to the Committee on State Affairs with instructions to delete all tax provisions, and that

the Committee failed to comply with the instructions.

The Speaker overruled the point of order.

Mr. Thornton moved that House Bill No. 48 be recommitted to the Committee on State Affairs with instruction to the Committee to prepare an amendment to the caption of the bill deleting all tax provisions.

Mr. Keefe moved to table the motion to recommit.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—72

Adkins	Loggins
Alsup	London
Bates	Lucas
Beckworth	Mann
Bell	Mauritz
Blankenship	Mays
Boethel	McConnell
Bradbury	McDonald
Broadfoot	McKee
Brown	Moffett
Callan	Monkhouse
Cauthorn	Newton
Davis of Haskell	Oliver
Davisson	Petsch
of Eastland	Pope
Deglandon	Powell
Dickison	Quinn
Dollins	Reader
Farmer	Rhodes
Fielden	Ross
Hamilton	Russell
Hanna	Rutta
Harbin	Sewell
Harrell	Sharpe
Harris of Dickens	Simpson
Herzik	Skaggs
Huddleston	Smith of Hopkins
Johnson of Ellis	Smith of Tarrant
Jones of Angelina	Stocks
Jones of Wise	Talbert
Keefe	Tennant
Kelt	Thornberry
Kern	Weldon
King	Westbrook
Langdon	Winfree
Lankford	Wood
Lanning	

Nays—46

Alexander	Bridgers
Amos	Burton
Baker	Carssow
Bond	Cathey
Boyer	Celaya

Colquitt	Metcalfe
Davison of Fisher	Morris
England	Morse
Felty	Nicholson
Fox	Palmer
Gibson	Patterson of Mills
Graves	Patterson
Hankamer	of Travis
Harris of Archer	Reed of Dallas
Harris of Dallas	Roark
Hartzog	Settle
Hoskins	Smith
Jackson	of Matagorda
Johnson	Stinson
of Tarrant	Tarwater
Jones of Atascosa	Tennyson
Keith	Waggoner
Knetsch	Walker
Little	Worley
McKinney	

Present—Not Voting

Cleveland	Derden
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Absent

Bradford	Leonard
Davis of Jasper	McCracken
Fuchs	McFarland
Harper	Prescott
Heflin	Ragsdale
Holland	Riddle
Howard	Schuenemann
Jones of Falls	Shell
Kenyon	Thornton
Leath	Vale

Absent—Excused

Cagle	James
Dean	Leyendecker
Hardin	Reed of Bowie
Hull	Stevenson
Hyder	

Mr. Farmer offered the following committee amendment to the bill:

Amend House Bill No. 48, by striking out all below the enacting clause and substitute in lieu thereof the following:

Be It Enacted by the Legislature of the State of Texas:

"Section 1. Subject to the provisions of this Act each actual bona fide citizen of Texas over the age of Sixty-five (65) years, shall be entitled to financial old-age assistance.

Sec. 2. Old-age assistance shall be granted under this Act to any person who:

(a). Is over the age of sixty-five (65) years;

(b). Is a citizen of the United States, and an actual bona fide citizen of the State of Texas;

(c). Is not an habitual drunkard; while such habitual drunkard.

(d). Is not an inmate of any State supported institution, while such inmate;

(e). Is not an habitual criminal.

(f). Has resided in the State of Texas for a length of actual residence for five years during the nine years immediately preceeding the date of the application for old-age assistance and continuously for one year immediately preceeding such application.

The term 'residence' and 'resided' as used in this Act shall denote actual physical presence within this State as distinguished from the word "domicile" and 'residence' as used in their broader meaning.

(g). Has not made any voluntary assignment or transfer of property for the purpose of qualifying for such old-age assistance.

(h). Has a net income, if a single person, from any and all sources not exceeding Three Hundred Sixty Dollars (\$360.00) per year; or if married and living with husband or wife has a combined net income from all sources not exceeding Seven Hundred Twenty Dollars (\$720.00) per year.

Gifts and support from relatives and friends to the amount of Two Hundred Dollars (\$200.00) per year to each one shall not be counted as a part of the net income of the applicant.

(i). Does not own property real, personal, or mixed, the fair value of which taking into consideration assessed valuations for the State and County tax purposes less all incumbrances and liens, exceeds, if single, Three Thousand Dollars (\$3,000.00) or if married, does not own property real, personal, or mixed the fair value of which taking into consideration assessed valuation for State and County tax purposes less all incumbrances and liens, exceed Six Thousand Dollars (\$6,000.00); and who do not have cash exceeding the sum of Three Hundred Dollars (\$300.00) each.

(j). Who is a 'needy' person as defined in Section 19 hereof, and has no husband or wife, with whom he or she may be living, able to support him or her. Provided, that the fact that the applicant may have a child

or children or other relatives who may be able to support the applicant, shall not be considered in passing upon the said application.

Sec. 3. In addition to the duties now imposed by law on them, the State Board of Control is hereby charged with the duty of administering this Act; and, for the purpose of administering the provisions of this Act, the State Board of Control shall be known as and shall constitute the Texas Old Age Commission. When ever the word 'Commission' is used in this Act, it shall mean the Texas Old Age Assistance Commission, which shall be composed of the members of the Board of Control. As members of the Texas Old Age Assistance Commission, each member of the Board of Control shall be compensated, in addition to the compensation they now receive by law, on the basis of One Thousand Two Hundred Dollars (\$1,200.00) per year, which shall be paid in equal monthly installments out of the Old Age Assistance Fund herein created. Members of the Commission shall be entitled to reasonable necessary expenses incurred in the discharge of official duties as members of the Old Age Assistance Commission, such allowance however shall not exceed the sum fixed by law of other State officials in the discharge of similar duties.

Each member of the Board of Control shall give bond in form prescribed by the Attorney General in the sum of Ten Thousand Dollars (\$10,000.00), payable to and to be approved by the Governor, and conditioned for the faithful performance of his duties as a member of the Old Age Assistance Commission. The premium on such bonds shall be paid out of the funds herein appropriated for operating expenses, and any recovery on such bonds shall inure to the benefit of the Texas Old Age Assistance Fund.

Sec. 4. (a). As soon after the qualification of the members of the Texas Old Age Assistance Commission as practicable, they shall select and appoint an Executive Director to the Texas Old Age Assistance Commission who shall be not less than thirty-five (35) years of age at the date of his appointment, who is a resident citizen of the State of Texas, and who has resided within the State for at least ten (10) years preceding the date of his appointment, and he shall not be an occupant of any elective State office at the time of his appoint-

ment nor have occupied any elective State office during the six (6) months next preceding the date of his said appointment, and who shall be paid an annual salary of Four Thousand Dollars (\$4,000.00) in equal monthly installments.

The Commission shall also appoint a Chief Auditor who shall be paid an annual salary of Four Thousand Dollars (\$4,000.00) in equal monthly installments.

The Executive Director and the Chief Auditor shall take the constitutional oath of office and shall make and execute a bond in form prescribed by the Attorney General, payable to the Governor of Texas, in the sum of Thirty Thousand Dollars (\$30,000.00) conditioned upon their faithful performance of the duties imposed upon them by law. The premiums of such bonds shall be paid out of the funds herein appropriated for operating expenses, and any recovery on such bonds shall inure to the benefit of the Texas Old Age Assistance Fund.

(b). The Executive Director to the Texas Old Age Assistance Commission shall be the Chief Administrative Officer of such Commission. He shall have the power to recommend to the Commission the appointment of such assistants, clerks, stenographers, auditors, bookkeepers, and such other clerical assistants as may be necessary in the administration of the duties imposed upon such Commission within the limits of the appropriations that may be made for the work of said Commission; and he likewise shall have the power to recommend the dismissal of any such employees to the Commission; but the Commission shall have the sole power of appointment and discharge of such employees.

The salaries of all such employees shall be fixed by the Commission in keeping with the salaries paid other State employees performing like work, and holding similar positions until such salaries are fixed by the Legislature.

Sec. 5. (a). Citizens claiming such assistance under the terms of this Act shall make application for same in writing and under oath and file the same with the County Clerk of his or her County. Such application shall be prepared in triplicate, and all of said copies shall be filed with the County Clerk.

"(b). Upon the filing of said application, the County Clerk shall docket

said cause in a bound book provided for that purpose which shall be known as the 'Old Age Assistance Docket.' Upon filing of said application, the County Clerk shall forthwith transmit one of the copies of such application to the County Judge of said County, who shall set a date for hearing said application within thirty (30) days after being filed with the County Clerk.

"(c). In the event that the county judge, upon hearing the evidence, is satisfied as to the correctness of the facts set forth in said application and that said application meets the requirements of this Act, he shall endorse his approval on said application, and note same upon the 'Old Age Assistance Docket'.

"(d). In the event the county judge is dissatisfied with the application or the facts therein alleged, and the evidence, he shall set same for further hearing, and shall have authority to subpoena witnesses, to interrogate them, and to make such investigations as the said county judge may deem proper.

"(e). Upon the approval of such application by the County Judge as herein set out, the County Clerk shall transmit said application, together with the approval of the County Judge, to the Texas Old Age Assistance Commission. A certificate of the clerk shall accompany said application and order of approval, and said certificate shall set forth all facts necessary to show that said application is authentic and has been duly approved by the County Judge.

"(f). In the event that any application so filed and presented to the County Judge is disapproved and rejected by the County Judge, such applicant shall be entitled to and shall have an opportunity to present his application on appeal to the Texas Old Age Assistance Commission, who shall give a full and fair hearing to such applicant; and in the event such director finds that the county judge has erred in his conclusions, then such application shall stand approved and shall be placed upon the rolls of those entitled to old age assistance as hereinafter provided. The Texas Old Age Assistance Commission shall have the power and authority to reject any application certified to it, if in its judgment the county judge has erred in his approval.

"(g). Upon receipt of the application, order of approval and certificate as required in subsection (e) hereof, the director shall carefully examine the same, and if found to be correct and in compliance with law, he shall file the same, approve the application, and place the name of such applicant upon the roll of those entitled to old age assistance as provided in this Act. In the event the director finds that said application is defective in any respect or fails to meet the requirements of the law, such application, order of approval and certificate shall be returned to the County Clerk transmitting the same. A letter shall accompany such application, order of approval and certificate setting forth wherein same fails to meet such requirements, and same shall be subject to amendment and correction. A copy of such letter shall be sent by the director to the applicant at the address in such application.

"(h). An applicant whose application for relief has been rejected may within thirty days appeal from the decision of the Commission to the District Court of the County in which the application was filed by serving a ten days' notice of such appeal upon the executive director, or upon any member of the Commission, in the manner required for service of an original notice. Upon service of such notice, the Commission shall furnish the applicant a copy of the application, a copy of all supporting papers, a transcript of the testimony and a copy of its decision. The Court shall hear and determine said application on its merits. The District Court may either affirm or reverse the decision of the Commission appealed from, and enter such order as may be proper; and said order and judgment of the District Court shall be final. An applicant whose application for relief has been rejected may not re-apply for relief until the expiration of twelve months from the date of the previous application."

Sec. 6. The expenses of administering this Act shall never exceed three per cent (3%) of the total amount of State funds expended for Old Age Assistance; provided however, that the Texas Old Age Assistance Commission is empowered to accept any funds appropriated and allocated to the State of Texas for administrative expense by the Federal Government or the Social Security

Board, and same may be expended for administrative purposes in addition to that allowed for administrative purposes out of State Funds expended.

Sec. 7. The application for Old Age Assistance shall be upon forms prescribed by said Commission, in accordance with the requirements of this Act, and shall be duly sworn to before some officer authorized by the laws of this State to administer oaths and using a seal. Such application shall give the following information:

(a) The name, age, race and/or nationality and length of residence in Texas of the applicant; whether he is a citizen by birth or naturalization; whether married or unmarried, a widow or widower.

(b) A statement of any property, real or personal, the applicant owns or has any interest in, giving the cost of same when purchased and whether incumbered or not, and if incumbered, giving the date the lien was created, and the amount outstanding and unpaid at the time of the filing of the application.

(c) It must contain a full and complete statement of all the earnings of the applicant for the one (1) year immediately preceding the application.

(d) If the applicant owns real estate within the preceding two (2) years, the application must state when sold, or otherwise disposed of, giving the date of the transfer, where same is located and the amount received therefor.

If the applicant owned personal property over the value of One Thousand Dollars (\$1,000.00) during the two years prior to the date of the application for Old Age Assistance a complete description of such property must be given in the application together with a statement as to what disposition was made of same.

If personal property was stocks and bonds, then the application must state the company or person from whom purchased, and to whom such was sold together with a full description of such personal property with the date of the transfer and the price obtained, and what disposition was made of the money derived therefrom.

(e) If receiving aid from any source, the amount received and from whom, or if such aid tendered, together with the amount and from

whom, or if such aid be not in cash money, then a description of such aid tendered, together with the name of the source of such aid and from whom; the amount received from the United States Government, State or County, public or private charitable organizations, corporations, or private individuals.

(f) Whether the applicant is an inmate of any State supported institution, and if so what institution.

(h) The names of at least two credible references who are in position to confirm the information given in the application for Old Age Assistance.

Sec. 8. When the Texas Old Age Assistance Commission has been notified of the dissatisfaction of any applicant with the action of the County Judge on his application, the said Commission shall command the County Judge to transmit to the Commission the originals or certified copies of all records, affidavits, instruments, testimony taken, or other evidence taken in connection with such application. And it is hereby made the duty of the County Judge to obey the command of the Commission, and the failure on his part to do so shall be sufficient cause for his removal from office.

The Commission shall make a full and complete examination of the record before it and if, after such examination the Commission is of the opinion that the aid or assistance should be allowed, the said Commission shall enter an order allowing such assistance.

If the application is rejected on appeal, by the Commission, then the applicant may proceed as provided in sub-section (h) of Section 5 hereof.

Sec. 9. (a) The amount of Old Age Assistance, or aid from State funds that may be paid to any applicant, who has qualified under the terms of this Act, shall never exceed the sum of fifteen dollars (\$15.00) per month, and in addition thereto such funds as the Federal Government may appropriate and allocate to the State of Texas from time to time, shall be distributed pro rata among recipients of assistance in like manner as State funds are paid under the terms of this Act; it is further provided, that the amount of additional taxes to be raised by this Act shall provide together with the taxes al-

ready being collected an amount in excess of Nine Dollars (\$9.00) per month for each eligible person entitled to assistance under this Act; and Nine Dollars (\$9.00) as a minimum shall be paid to each of said old persons who are entitled to said old age assistance, and this shall be in addition to that supplied by the Federal Government.

Sec. 10. The Legislature shall provide from time to time out of its tax revenue bills, or from other funds available for the purpose of allocation, or from part or all of certain taxes, fees or other revenue, or by other maintenance, necessary and adequate funds for carrying out the provisions of this Act, and in each instance the Legislature shall specify that such sums as designated shall be placed by the Treasurer of the State of Texas in a fund known as the "Texas Old Age Assistance Fund"; and the account shall be kept by said State Treasurer of all funds allocated to and paid out of such fund under the terms of this Act.

Sec. 11. (a). If at any time an Old Age Assistance recipient becomes disqualified under any of the provisions of Section 2 of this Act to receive such assistance, such facts shall be reported to the Commission of Old Age Assistance and such Commission shall be furnished with any information or evidence pertaining thereto, whereupon the Commission of Old Age Assistance shall notify the recipient thereof that a hearing will be held, at which time said recipient shall show cause why his aid should not be discontinued, and if, upon such hearing, it is established that such recipient has become disqualified under Section 2 of this Act, said Commission shall enter an order discontinuing aid to such recipient and shall give written notice thereof to the State Comptroller of Public Accounts.

(b). Whenever the circumstances of an Old Age Assistance recipient become changed so that he may be again qualified then he may make another application anew as he did at the time of his first application, showing the true facts as they again exist entitling him or her to old age assistance.

Should any application be finally rejected, and after twelve months the circumstances of the applicant so change that he may become eligible for old age assistance, he may again make another application and show his eligibility.

All applications shall be promptly considered and order of approval or disapproval entered thereon within sixty days after the filing of the application. The failure of the County Judge to proceed promptly shall be cause for the applicant to apply to the District Court of the district for a writ of mandamus commanding the County Judge to proceed to act on the application; and the District Court is hereby clothed with jurisdiction to proceed in this manner in such cases.

In case the application is allowed the applicant shall become entitled to his monthly installments due under the Old Age Assistance grant from the time his application was filed, and shall be entitled to receive a warrant for the cumulative monthly installments past due.

(c). Any person who has been granted Old Age Assistance and is receiving payments of assistance from the Old Age Assistance Fund may petition the Commission to accept an assignment of assignable death benefits, loan value of cash surrender value of any life insurance policy, death or funeral benefit of any association, society, or organization requiring further payment of premiums, dues or assessments, which such person believes he is unable to pay. The Commission may accept such assignments if it deems such act advisable in the best interest of such person and the State; but upon the payment of such benefit or other sum due under the policy, the Commission shall first deduct the amount of funeral expenses incurred; and second, the amount of premiums, dues and assessments paid by the Commission to keep the insurance or benefit in force, and third, the amount of assistance paid to such person, one-half ($\frac{1}{2}$) of which shall accrue to the Old Age Assistance Fund, and one-half ($\frac{1}{2}$) of which shall be paid to the United States Treasury in such manner as the Social Security Act may require. After the above deductions, the balance, if any, shall be paid by the Commission as directed by the insured, either to persons designated or into the Old Age Assistance Fund as may be the wish of the insured at the time of the assignment.

(d). The provisions of this Act providing for Old Age Assistance shall not be construed as a vested right in the recipient of Old Age Assistance.

(e). An Old Age Assistance grant shall be absolutely inalienable by any

assignment, sale, charge, or execution or other legal process, and in case of bankruptcy the assistance shall not pass through any trustee or other person acting on behalf of creditors.

(f). The Commission is authorized to accept on behalf of the Old Age Assistance Fund any gifts, deeds or bequests or any money or other property, the proceeds of which shall accrue to the benefit of the Old Age Assistance Fund. In making such gifts or contributions the donor shall attach no conditions whatever. The sole management and disposition of the property so received shall be in the Commission.

Sec. 12. (a). All Old Age Assistance benefits provided for under the terms of this Act shall be paid by vouchers or warrants drawn by the State Comptroller on the Texas Old Age Assistance Fund; for the purpose of permitting the State Comptroller to properly draw and issue such vouchers or warrants, the Texas Old Age Assistance Commission shall furnish the Comptroller with a list or roll of those entitled to assistance from time to time, together with the amount to which each recipient is entitled. When such vouchers or warrants have been drawn by the State Comptroller, the same shall be delivered to the Executive Director of the Texas Old Age Assistance Commission, who in turn shall supervise the delivery of the same to the persons entitled thereto.

(b). The Commission shall furnish monthly to the County Clerk of each County a list showing the names of all persons in such county receiving old age assistance and the amount thereof. And each month thereafter shall send to the said county clerk a list of the names of those who have been placed on the assistance roll in that county since the previous monthly list was sent, and so on each month thereafter that the list may be complete and up to date. Such list shall be a public record in such county and as such shall be available for public inspection at all reasonable hours.

The list shall be made out on loose leaves that are uniform in size and adopted to filing in a book that is well bound. The book and loose leaves shall be furnished to the County Clerk by the Executive Director, and the county clerk shall from time to time insert in said book the additional lists and safely keep same

for public inspection in his office at the county seat.

Sec. 13. (a). All grants of assistance or aid from the Federal Government and its agencies shall not be considered as a part of the State Assistance herein granted, but shall be regarded as a separate grant of assistance or aid.

(b). Every assistance granted under the provisions of this Act shall be deemed to be granted and shall be held subject to the provisions of any amending or repealing Act that may be hereafter enacted, and no recipient under this Act shall have any claim for compensation or otherwise by reason of his assistance being affected in any way by such amending or repealing Act.

Sec. 14. Whenever in this Act the masculine pronoun is used, it shall be held to include the feminine pronoun also.

Sec. 15. Any person or persons charged with the duty or responsibility of administering, disbursing, ordering or otherwise handling the grants and funds provided for in this Act, and who shall misappropriate any such grants and funds, or who shall by deception or fraud to any other person wrongfully distribute the grants and funds provided for in this Act, shall be deemed guilty of felony and shall, upon conviction, be confined in the State penitentiary for a term of not less than two (2) nor more than twenty (20) years.

Sec. 16. Any person who by means of a wilfully false statement or representation, or other fraudulent devise, obtains or attempts to obtain, or aids or abets any other person to obtain:

(a). Old Age Assistance to which he is not justly entitled;

(b). A larger amount of assistance than that to which he is justly entitled;

(c). Or aids or abets in the buying or in any way disposing of the property of an Old Age Assistance recipient for the purpose of defrauding the State of Texas, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a period not exceeding one (1) year, or by both such fine and imprisonment, and shall be barred for three (3) years

from receiving benefits under this Act.

Sec. 17. If any recipient under this Act is convicted of any crime, misdemeanor or felony, or other offense, punishable by imprisonment for a period of six (6) months or longer, such fact shall be reported to the Commission of Old Age Assistance and the said Commission may direct that payments to such recipient be defaulted and withheld for such period.

Sec. 18. It shall be unlawful for any attorney at law or attorney in fact, or any other person, firm or corporation whatsoever, representing any applicant for Old Age Assistance or aid in this State to charge a fee for his services in excess of Ten Dollars (\$10.00) in aiding or representing any such applicant before the Commission of Old Age Assistance or for any other services in aiding such applicant to secure an Old Age Assistance grant. It shall likewise be unlawful for any person, firm or corporation to advertise, hold himself out or solicit the procurement of Old Age Assistance or aid. Any person violating this Section of this Act shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars or by confinement in the county jail for a period of not to exceed thirty (30) days, or by both such fine and imprisonment. Where any firm, association, or corporation is found to be guilty of a violation of the provisions of this Section, the offending act of such firm, association, or corporation shall be deemed to be the act of the president, general manager, or other managing official of such firm, association, or corporation, and such officials shall be subject to the same penalties as herein provided for other persons.

Sec. 19. A "needy person" within the meaning of this Act is a person unable regularly to earn an income of at least one dollar (\$1.00) per day, on account of age, infirmity, or inability to procure suitable employment. It is hereby declared to be the intention of this Act to furnish assistance to such persons meeting the other qualifications named elsewhere in this Act, and the Legislature hereby declares that a person should have not less than one dollar (\$1.00) per day for subsistence in accordance

with American ideals of proper living.

Sec. 20. On the death of any person receiving Old Age Assistance, such reasonable funeral expenses for burial shall be paid to such persons as the board of directors may provide; provided, such expenses do not exceed One Hundred Dollars (\$100.00) and the estate of the deceased is insufficient to defray the same.

Sec. 21. If the person receiving assistance is, on the testimony of reputable witnesses, found incapable of taking care of himself or his money, the Board may direct the payment of the installments of assistance to any responsible person or corporation for his benefit. It shall be within the power of the Commission to suspend payment for such period as the board shall recommend.

Sec. 22. Within ninety days after the close of each calendar year, the Commission shall make a report to the Governor for the preceding year, stating:

- a. The total number of recipients.
- b. The amount paid in cash.
- c. The total number of applications.
- d. The number granted.
- e. The number denied.
- f. The number canceled during that year, and
- g. Such other information as the Commission may deem advisable.

Sec. 23. The Old Age Assistance Commission shall publish a handbook embodying this Act, its rules and regulations and other information useful to the public; and such handbook shall be for free distribution to the citizens of the State of Texas that they may be fully informed as to all matters pertaining to this Act and the work of the Old Age Assistance Commission.

Sec. 24. On the effective date of this Act the Board of Control, each agent, officer, and employee of said Board of Control acting under the authority of House Bill No. 8 of the Acts of the Third Special Session of the Forty-fourth Legislature shall deliver to the Old Age Assistance Commission provided for in this Act, all furniture, fixtures, files, books, records, accounts, data, and equipment belonging to the State of Texas, or appertaining to the office of each in his employment; and the Old Age Assistance Commission shall receive and

receipt for same. Each member, agent, or officer of said Board of Control acting as the Old Age Assistance Commission shall pay over to the officer lawfully authorized to receive the same all money coming into his hands as such and shall deliver to the said Old Age Assistance Commission provided for in this Act, the possession of the offices and premises occupied by the said Board of Control acting as the Old Age Assistance Commission by authority of said House Bill No. 8.

On the effective date of this Act the Texas Old Age Assistance Commission shall select and appoint an executive director of the Texas Old Age Assistance Commission, and make selection of such other officers and employees as provided for elsewhere in this Act.

Sec. 25. On the effective date of this Act, the State Treasurer shall transfer all funds to the credit of the Texas Old Age Assistance Fund created by House Bill No. 8 of the Acts of the Third Special Session of the 44th., Legislature, to the Texas Old Age Assistance Fund created by virtue of this law.

Sec. 26. Article I and Article II of House Bill No. 8 of the Third Special Session of the 44th., Legislature, together with all sections under each of said Articles are hereby expressly repealed, and this Act shall take the place of such parts of said House Bill No. 8 hereby expressly repealed upon the effective date of this Act.

Sec. 27. That Section 4 of Article IV, of House Bill No. 8 of the Acts of the Third Special Session of the 44th., Legislature is hereby amended so as to hereafter read as follows:—

“Sec. 4. That Section 2 of Chapter 162, Acts of the 43rd., Legislature, Regular Session, as amended by Section 1, Chapter 12, Acts of the First Called Session of the 43rd., Legislature, shall be amended to hereafter read as follows:

“Sec. 2. (1) There is hereby levied an occupation tax on oil produced within this State of Four (4) cents per barrel of forty-two (42) standard gallons. Said tax shall be computed upon the total number of barrels of oil produced or salvaged from the earth or waters of this State without any deductions, and shall be based upon tank tables showing one hundred per

cent (100%) of production and exact measurements of contents. Provided, however, that the occupation tax herein levied on oil shall be four (4%) per cent of the market value of said oil whenever the market value thereof is in excess of One (\$1.00) Dollar per barrel of forty-two (42) standard gallons. The market value of oil, as that term is used herein, shall be the actual market value thereof, plus any bonus or premiums, or other things of value paid therefor or which such oil will reasonably bring, if produced in accordance with the laws, rules and regulations of the State of Texas.

“(2) The tax hereby levied shall be a liability of the producer of oil and it shall be the duty of such producer to keep accurate records of all oil produced, making monthly reports under oath as hereinafter provided.

“(3) The purchaser of oil shall pay the tax on all oil purchased and deduct tax so paid from payments due producer or other interest holder, making such payments so deducted to the Comptroller of Public Accounts by legal order or cashier's check payable to the State Treasurer. Provided, that if oil produced is not sold during the month in which produced, then said producer shall pay the tax at the same rate and in the manner as if said oil were sold.

“(4) The tax levied herein shall be paid monthly on the 25th., day of each month on all oil produced during the month next preceding by the purchaser or the producer as the case may be, but in no event shall a producer be relieved of responsibility for the tax until same shall have been paid, and provided, in event the amount of the tax herein levied shall be withheld by a purchaser from payments due a producer and said purchaser fails to make payment of the tax to the State as provided herein, the producer may bring legal action against such purchaser to recover the amount of tax so withheld, together with penalties and interest which may have accrued by failure to make payments and shall be entitled to reasonable attorney fees and court costs incurred by such legal action.

“(5). Provided, that unless such payment of tax on all oil produced during any month or fractional part thereof shall be made on or before the 25th., of the month immediately following, such payment shall become delinquent and a penalty of ten per cent

(10%) of the amount of the tax shall be added; such tax and penalty shall bear interest at the rate of six per cent (6%) per annum from the date due until date paid.

"(6). The tax herein levied shall be borne ratably by all interested parties, including royalty interests, and producers and/or purchasers of oil are hereby authorized and required to withhold from any payment due interested parties, the proportionate tax due.

"(7). The taxes herein provided for, when paid shall be, and hereby are, allocated as follows, to-wit:

One-fourth of said tax when and as received by the Comptroller shall be paid to the State Treasurer of Texas and be placed to the credit of the available Public School Fund, and three-fourths of such taxes when and as received by the Comptroller shall be paid to the State Treasurer to be placed to the credit of the Old Age Assistance Fund of the State provided for herein.

Sec. 28. That Section 8 of Article IV of House Bill No. 8 of the Acts of the Third Special Session of the 44th., Legislature is hereby amended so as to hereafter read as follows:—

"Sec. 8. That Section 3, of Chapter 73, Acts of the 42nd., Legislature, be and the same is hereby amended so as to read as follows:

"Sec. 3. An occupation tax shall be paid by each such producer on the amount of natural gas produced and saved within this State, and on natural gas imported into the State upon the first sale thereof in intrastate commerce upon the following basis:

"A tax of one cent per thousand cubic feet of natural gas produced and saved within this State, or sold, if imported into this State, at the actual market value thereof, as and when produced. Provided, however, that if any gas is imported into this State from another State, in which latter State a severance, occupation or excise tax is imposed, the person importing such gas shall not be required to pay another tax thereon under the provision of this Act.

"The tax hereby levied shall be a liability of the producer of gas and it shall be the duty of such producer to keep accurate records of all gas produced, making monthly reports under oath as hereinafter provided.

"The purchaser of gas shall pay the tax on all gas purchased and deduct

tax so paid from payment due producer or other interest holder, making such payments so deducted to the Comptroller of Public Accounts by legal tender or cashier's check payable to the State Treasurer.

"Provided, that if gas produced is not sold during the month in which produced, then said producer shall pay the tax at the same rate and in the manner as if said gas were sold.

"The tax herein levied shall be paid monthly on the 25th., day of each month on all gas produced during the month next preceding by the purchaser or the producer as the case may be, but in no event shall a producer be relieved of responsibility for the tax until same shall have been paid; and provided, in event the amount of the tax herein levied shall be withheld by a purchaser from payments due a producer and said purchaser fails to make payment of the tax to the State as provided herein, the producer may bring legal action against such purchaser to recover the amount of tax so withheld, together with penalties and interest accrued by failure to make payments and shall be entitled to reasonable attorney fees and court costs incurred by such legal action."

Sec. 29. That Section 6 of Article IV of House Bill No. 8 of the Acts of the Third Special Session of the 44th., Legislature is hereby amended so as to hereafter read as follows:—

"Sec. 6. That Section 40A of Article 7047, Revised Civil Statutes, 1925, as amended by Acts 1931, Forty-second Legislature, page 355, Chapter 212, Section 1, be and the same is hereby amended so as to hereafter read as follows:—

"40A. Sulphur producers: Each person who owns, controls, manages, leases, or operates, any sulphur mine, or mines, wells or shafts, or who produces sulphur by any method, system, or manner within this State shall make quarterly on the first day of January, April, July and October of each year a report to the Comptroller sworn to by such person before an officer authorized to administer oaths in this State, or if such person be other than an individual, sworn to by its president, secretary, or other duly authorized officer, on such forms as the Comptroller shall prescribe, showing the total amount of sulphur produced within this State by said person during the quarter next preced-

ing; and at the time of making said report shall pay to the Treasurer of this State as occupation tax for the quarter ending on said date an amount equal to Two Dollars (\$2.00) per long ton, or fraction thereof, of all sulphur produced by said person within the State of Texas during said quarter. Should any person subject to the occupation tax herein levied begin business after the beginning of a quarter, the amount of tax which such person or concern shall pay for the first quarter immediately succeeding the quarter in which the business was begun shall be ascertained by taking the total number of tons produced within the last quarter, dividing the same by the number of days such person or concern was engaged in the business during said preceding quarter and multiplying the quotient by ninety, and multiplying the product by Two Dollars (\$2.00). Said tax shall be in lieu of the tax imposed by House Bill No. 2, Chapter 74, Acts of the 5th., Called Session of the 41st., Legislature, but said tax shall be paid in the same manner, subject to the same penalties, and under the same conditions as provided in said Act, except that the taxes herein provided for, when paid shall be, and hereby are, allocated as follows, to-wit:

One-fourth of said tax when and as received by the Comptroller shall be paid to the State Treasurer of Texas and be placed to the credit of the available Public School Fund, and three-fourths of such taxes when and as received by the Comptroller shall be paid to the State Treasurer to be placed to the credit of the Old Age Assistance Fund of the State provided for herein.

Sec. 30. That Section 7 of Article IV of House Bill No. 8 of the Acts of the Third Special Session of the 44th., Legislature is hereby amended so as to hereafter read as follows:

"Sec. 7. Amend Article 7047, Revised Civil Statutes, 1925, by adding a new section which shall be known as Section 45, and read as follows:

"Sec. 45 (a). There is hereby levied an occupation tax on every person in this State manufacturing or producing carbon black, a tax of One Cent (.01) per pound.

(b). The tax herein imposed shall be due and payable at the office of the Comptroller at Austin on the twenty-fifth day of each succeeding month, based on the business done the

preceding calendar month, and on or before said date such manufacturer or producer shall make and deliver to the Comptroller a verified report showing all carbon black manufactured, produced and sold upon which a tax accrues, and such other information as the Comptroller may require.

(c). A complete record of the business done, together with any other information the Comptroller may require, shall be kept by such distributor; which said record shall be open to the Comptroller, Attorney General, Auditor and their representatives; the Comptroller shall adopt rules and regulations for the enforcement hereof.

(d). In the event any person engaged in the business of producing or manufacturing carbon black in this State shall become delinquent in the payment of taxes herein imposed, the Attorney General may enjoin such person from producing or manufacturing carbon black until the delinquent tax is paid, and the venue of any such suit for injunction is hereby fixed in Travis County.

(e). If any person shall violate any of the provisions hereof, he shall forfeit to the State of Texas as a penalty not less than Twenty-five Dollars (\$25.00), nor more than One Thousand Dollars (\$1,000.00) for each violation and each day's violation shall constitute a separate offense. If any person shall fail to pay said tax promptly, he shall forfeit two per cent (2%) thereof as penalty, and after the first twenty days he shall forfeit an additional eight per cent (8%). Delinquent taxes shall draw interest at the rate of eight per cent (8%) from due date. The State shall have a prior lien for all delinquent taxes, penalties and interest, on all property used by the producer or manufacturer in his business of manufacturing and producing carbon black.

(f). The term "carbon black" as herein used includes all black pigment produced in whole or in part from natural gas, casing head gas or residue gas by the impinging of a flame upon a channel disk or plate, and the tax herein imposed shall reach all products produced in such manner.

(g). The taxes herein provided for, when paid shall be, and hereby are, allocated as follows, to-wit:

One-fourth of said tax when and as received by the Comptroller shall be paid to the State Treasurer of Texas and be placed to the credit of the available Public School Fund, and three-fourths of such taxes when and as received by the Comptroller shall be paid to State Treasurer to be placed to the credit of the Old Age Assistance Fund of the State provided for herein.

Sec. 31. If any part or parts of this Act shall be held to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this Act. The Legislature hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Sec. 32. The fact that there are now in Texas thousands of good citizens who are sixty-five (65) years of age and over, who are in need of assistance because of circumstances over which they have no control; and the further fact that under Section 51b of Article III of the Constitution they are entitled to such assistance; and the further fact that many hundreds of good citizens who are entitled to this assistance have been neglected and their applications ignored while others have received assistance for more than six months; and the further fact that there is lack of access to the rules and regulations of the Old Age Assistance Commission by the public because of no handbook being published for distribution to the public; and the further fact that no appeal is allowed to any court, and the writ of mandamus has not been provided for; and the further fact that there is insufficient revenue to pay these worthy old people in accordance with the said Constitutional Amendment; create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read of three several days in each House be suspended and the said rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Farmer offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 48 by striking out all of Section 3 on page 3 of the printed

bill, and insert in lieu thereof the following new section to read as follows:

"Section 3. (a). For the purpose of administering the provisions of this Act there is hereby created a State Department to be known as the Texas Old Age Assistance Commission, composed of three (3) members to be appointed by the Governor of the State of Texas with the advice and consent of the Senate, the term of one (1) member to expire February 1, 1938, the term of one (1) member to expire February 1, 1940, and the term of one (1) member to expire February 1, 1942. The Governor shall designate which appointee he desires to fill each term, and shall make such appointments as soon after the effective date of this Act as practicable. Vacancies shall be filled for any unexpired term by appointment by the Governor with the advice and consent of the Senate. On February 1, 1938, and biennially thereafter, one (1) member of said Commission shall be appointed for a full term of six (6) years, and each member of said Commission shall hold office until his successor has been appointed and has qualified by taking the oath of office and giving bond as hereinafter prescribed. The Texas Old Age Assistance Commission shall have its office and/or offices in Austin, Texas, in such building and/or buildings as shall be designated and/or approved by the State Board of Control.

(b). The members of the Texas Old Age Assistance Commission shall be public officers and, as such, shall take the oath of office required by the Constitution of Texas and each member shall give bond in form prescribed by the Attorney General in the sum of Ten Thousand (\$10,000.00) Dollars, payable to and to be approved by the Governor and conditioned for the faithful performance of his duties. The premium on such bonds shall be paid out of the funds herein appropriated for operating expenses, and any recovery on such bonds shall inure to the benefit of the Texas Old Age Assistance Fund.

(c). At the first meeting of the members of said Commission after their appointment, and biennially thereafter, upon the appointment of a new member thereof, one (1) of the members thereof shall be elected

chairman to preside over all meetings of such Commission, and two (2) members thereof shall constitute a quorum for the transaction of business except as herein otherwise provided. Said Commission shall remain in continuous session and shall hold its sessions and hearings in Austin, Texas, or in such other cities or towns in Texas as may be deemed by it desirable and expedient.

Notice of all meetings where applications for aid or assistance and/or appeals thereon are to be considered shall be furnished representatives of the press of the State by the Chairman or Secretary of such Commission; and if particular applications and/or appeals thereon are to be considered the Chairman of, or the Secretary to said Commission shall give written notice thereof to the applicant affected, at least ten (10) days in advance, stating in such notice the time and place of such consideration and hearing.

(d). The members of the Texas Old Age Assistance Commission shall be compensated on a basis of Three Thousand Six Hundred Dollars (\$3,600.00) per year to be paid in equal monthly installments. The members of said Commission shall be entitled to all reasonable expenses necessarily incurred in the discharge of their official duties, such allowance, however, not to exceed the maximum sum and/or sums fixed by law for other State officials.

(e). Except as hereinafter otherwise provided, the duties of the Texas Old Age Assistance Commission shall be the following:

(1). The selection and appointment of an Executive Director and a Chief Auditor.

(2). The holding of hearings in all appeals by applicants for aid or assistance where such aid or assistance has been denied by the Local Administrative Agency to which application was made; provided that such hearings may be conducted by any one of the members of said Commission or by any employee of said Commission designated by said Commission to hold the same. When such hearings are conducted by less than a majority of the members of said Commission or by any employee of said commission, a transcript of all testimony taken shall be prepared and filed with such Commission and any

order therein must be signed by a majority of such Commission.

(3). The providing of such methods of administration (other than those relating to selection, tenure of office and compensation of personnel) as are found by the United States Social Security Board to be necessary for the efficient operation of the plan of Old Age Assistance herein established.

(4). The making of such reports in such form and containing such information as the Social Security Board may from time to time require, complying with such provisions as said Social Security Board may from time to time find necessary to assure the correctness and verification of such reports."

Mr. Tennant moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—71

Alexander	Jones of Falls
Alsup	Jones of Wise
Amos	Kelt
Beckworth	Kern
Bell	King
Blankenship	Knetsch
Bond	Langdon
Boyer	Lanning
Bridgers	Little
Broadfoot	Lucas
Brown	Mays
Burton	McDonald
Callan	McKee
Carsow	Metcalfe
Davison of Fisher	Morris
Davisson	Morse
of Eastland	Newton
Dollins	Patterson of Mills
England	Petsch
Felty	Ragsdale
Fuchs	Reader
Gibson	Roark
Graves	Russell
Hanna	Rutta
Harris of Archer	Settle
Harris of Dickens	Sharpe
Hartzog	Smith of Hopkins
Heflin	Smith
Herzik	of Matagorda
Holland	Talbert
Howard	Tarwater
Jackson	Tennant
Johnson	Thornberry
of Tarrant	Thornton
Jones of Atascosa	Waggoner

Walker	Winfree	Bridgers	Kern
Weldon	Wood	Broadfoot	King
	Nays—45	Brown	Lankford
Adkins	Lankford	Callan	Loggins
Boethel	Loggins	Cathey	London
Bradbury	London	Cleveland	Lucas
Cathey	Mauritz	Davis of Haskell	Mays
Cauthorn	McConnell	Davis of Jasper	McDonald
Cleveland	Moffett	Deglandon	Morris
Colquitt	Oliver	Dickison	Patterson of Mills
Davis of Haskell	Palmer	Dollins	Powell
Davis of Jasper	Patterson	Farmer	Quinn
Deglandon	of Travis	Fielden	Reader
Derden	Pope	Harbin	Rhodes
Dickison	Powell	Harper	Ross
Farmer	Quinn	Harrell	Russell
Fielden	Reed of Dallas	Herzik	Rutta
Hamilton	Rhodes	Holland	Sewell
Harbin	Riddle	Huddleston	Simpson
Harper	Ross	Johnson of Ellis	Skaggs
Harrell	Sewell	Jones of Angelina	Stocks
Harris of Dallas	Simpson	Jones of Falls	Talbert
Huddleston	Skaggs	Jones of Wise	Weldon
Johnson of Ellis	Stocks	Keefe	Westbrook
Jones of Angelina	Westbrook	Kelt	
Keefe	Worley		Nays—54
	Absent	Alexander	Knetsch
Baker	McCracken	Baker	Langdon
Bates	McFarland	Bell	Lanning
Bradford	McKinney	Blankenship	Little
Celaya	Monkhouse	Bond	McConnell
Fox	Nicholson	Burton	McCracken
Hankamer	Prescott	Carssow	Monkhouse
Hoskins	Schuenemann	Cauthorn	Morse
Keith	Shell	Celaya	Patterson
Kenyon	Smith of Tarrant	Colquitt	of Travis
Leath	Stinson	Davison of Fisher	Reed of Dallas
Leonard	Tennyson	Derden	Riddle
Mann	Vale	England	Roark
	Absent—Excused	Felty	Schuenemann
Cagle	James	Gibson	Settle
Dean	Leyendecker	Graves	Sharpe
Hardin	Reed of Bowie	Hankamer	Smith of Hopkins
Hull	Stevenson	Hanna	Smith
Hyder		Harris of Archer	of Matagorda
		Harris of Dallas	Smith of Tarrant
		Harris of Dickens	Stinson
		Hartzog	Tarwater
		Heflin	Tennant
		Howard	Thornberry
		Jackson	Thornton
		Johnson	Waggoner
		of Tarrant	Walker
		Jones of Atascosa	Wood
		Keith	
			Present—Not Voting
		Alsup	
			Absent
		Amos	Bradbury
		Bates	Davisson
		Boyer	of Eastland

Mr. Gibson offered the following amendment to the committee amendment:

Amend committee amendment, by striking out all of Section 27 of said committee amendment.

Mr. Lucas moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—53

Adkins	Boethel
Beckworth	Bradford

Fox
Fuchs
Hamilton
Hoskins
Kenyon
Leath
Leonard
Mann
Mauritz
McFarland
McKee
McKinney
Metcalf
Moffett

Newton
Nicholson
Oliver
Palmer
Petsch
Pope
Prescott
Ragsdale
Shell
Tennyson
Vale
Winfree
Worley

Absent—Excused

Cagle
Dean
Hardin
Hull
Hyder

James
Leyendecker
Reed of Bowie
Stevenson

Question recurring on the amendment, it was lost.

Mr. Worley offered the following amendment to the committee amendment:

Amend committee amendment, by striking out all of Section 28 of said committee amendment.

Mr. Lucas moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—71

Adkins
Amos
Bates
Beckworth
Bradbury
Brown
Callan
Carssow
Cathey
Cleveland
Colquitt
Davis of Haskell
Davis of Jasper
Davisson
of Eastland
Deglandon
Dickison
Dollins
Farmer
Fielden
Fuchs
Hamilton
Harbin
Harper
Harrell
Harris of Dickens

Heflin
Herzik
Holland
Huddleston
Johnson of Ellis
Jones of Angelina
Jones of Wise
Keefe
Kelt
Kern
Lankford
Lanning
Leath
Loggins
London
Lucas
Mann
Mauritz
Mays
Morris
Newton
Oliver
Palmer
Patterson of Mills
Patterson
of Travis

Petsch
Powell
Prescott
Quinn
Ragsdale
Reader
Rhodes
Ross
Russell
Rutta
Sewell

Sharpe
Simpson
Skaggs
Smith of Tarrant
Stocks
Tennant
Thornberry
Weldon
Westbrook
Winfree

Nays—61

Alexander
Alsup
Baker
Bell
Blankenship
Boethel
Bond
Boyer
Bridgers
Broadfoot
Burton
Cauthorn
Celaya
Davison of Fisher
Derden
Felty
Gibson
Graves
Hankamer
Hanna
Harris of Archer
Harris of Dallas
Hartzog
Hoskins
Howard
Jackson
Johnson
of Tarrant
Jones of Atascosa
Jones of Falls
Keith
King

Knetsch
Langdon
Little
McConnell
McCracken
McDonald
McFarland
McKee
McKinney
Metcalf
Monkhouse
Morse
Nicholson
Pope
Reed of Dallas
Roark
Schuenemann
Settle
Shell
Smith of Hopkins
Smith
of Matagorda
Stinson
Talbert
Tarwater
Tennyson
Thornton
Waggoner
Walker
Wood
Worley

Present—Not Voting

Riddle

Absent

Bradford
England
Fox
Kenyon

Leonard
Moffett
Vale

Absent—Excused

Cagle
Dean
Hardin
Hull
Hyder

James
Leyendecker
Reed of Bowie
Stevenson

REASON FOR VOTE

I voted to take the tax measure on oil out of House Bill No. 48 because

this bill provides for only four cents whereas the House had already passed a tax on oil at six cents a barrel.

I voted to take the tax measure on natural gas out of this bill because I am on a sub-committee of the Committee on Revenue and Taxation, and we are now re-writing a tax bill on gas, and the sub-committee, with the aid of the Attorney General's Department, we are trying to make the tax applicable not only to the producer but to the pipe line companies and distributors as well. Since the tax in House Bill No. 48 is on the producer only, I voted to take it out and let the House pass a tax on the single shot natural gas tax bill now being prepared by the sub-committee, which bill I am supporting.

DERDEN.

Mr. Smith of Matagorda offered the following amendment to the committee amendment:

Amend committee amendment, by striking out all of Section 29 of said committee amendment.

Mr. Mays moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—64

Adkins	Johnson of Ellis
Amos	Jones of Angelina
Bates	Jones of Atascosa
Beckworth	Jones of Wise
Boethel	Keefe
Bradbury	Kelt
Bridgers	Kern
Broadfoot	King
Brown	Langdon
Callan	Lankford
Cathey	Lanning
Cleveland	Loggins
Davis of Jasper	London
Davison of Fisher	Lucas
Deglandon	Mays
Derden	McConnell
Dollins	Morris
Farmer	Newton
Fielden	Oliver
Fuchs	Palmer
Hamilton	Patterson of Mills
Harbin	Powell
Harper	Prescott
Harrell	Ragsdale
Harris of Dickens	Rhodes
Herzik	Ross
Holland	Russell

Sewell	Stocks
Sharpe	Tarwater
Simpson	Weldon
Skaggs	Westbrook
Smith of Hopkins	Winfree

Nays—65

Alexander	Leath
Alsup	Little
Baker	Mann
Bell	Mauritz
Blankenship	McCracken
Bond	McDonald
Boyer	McFarland
Burton	McKee
Carssow	McKinney
Cauthorn	Metcalfe
Celaya	Morse
Colquitt	Nicholson
Davis of Haskell	Patterson
Davisson	of Travis
of Eastland	Pope
Felty	Quinn
Fox	Reader
Gibson	Reed of Dallas
Graves	Roark
Hankamer	Schuenemann
Hanna	Settle
Harris of Archer	Shell
Harris of Dallas	Smith
Hartzog	of Matagorda
Heflin	Smith of Tarrant
Hoskins	Stinson
Howard	Tennant
Huddleston	Thornberry
Hyder	Thornton
Jackson	Vale
Johnson	Waggoner
of Tarrant	Walker
Jones of Falls	Wood
Keith	Worley
Knetsch	

Present—Not Voting

Talbert

Absent

Bradford	Monkhouse
Dickison	Petsch
England	Riddle
Kenyon	Rutta
Leonard	Tennyson
Moffett	

Absent—Excused

Cagle	James
Dean	Leyendecker
Hardin	Reed of Bowie
Hull	Stevenson

Question recurring on the amendment, it was adopted.

Mr. Smith of Matagorda moved to reconsider the vote by which the

amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Boyer offered the following amendment to the committee amendment:

Amend committee amendment, by striking out all of Section 30 of said committee amendment.

Mr. Farmer moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—68

Adkins	Kern
Alsup	Knetsch
Amos	Langdon
Bates	Lankford
Beckworth	Loggins
Blankenship	London
Boethel	Lucas
Bradbury	McDonald
Brown	Morris
Callan	Newton
Cathey	Oliver
Cleveland	Palmer
Davis of Jasper	Patterson of Mills
Davisson	Patterson
of Eastland	of Travis
Deglandon	Petsch
Derden	Powell
Dickison	Prescott
Dollins	Quinn
England	Ragsdale
Farmer	Rhodes
Fielden	Ross
Fuchs	Russell
Hamilton	Sewell
Harper	Sharpe
Harrell	Simpson
Harris of Dickens	Skaggs
Herzik	Smith of Hopkins
Holland	Smith of Tarrant
Huddleston	Stocks
Johnson of Ellis	Talbert
Jones of Angelina	Tennant
Jones of Wise	Weldon
Keefe	Westbrook
Kelt	Winfree

Nays—61

Alexander	Carssow
Baker	Cauthorn
Bell	Celaya
Bond	Colquitt
Boyer	Davison of Fisher
Bridgers	Felty
Broadfoot	Fox
Burton	Gibson

Graves	Metcalf
Hankamer	Moffett
Hanna	Morse
Harris of Archer	Nicholson
Harris of Dallas	Pope
Hartzog	Reader
Heflin	Reed of Dallas
Hoskins	Roark
Howard	Rutta
Hyder	Schuenemann
Jackson	Settle
Johnson	Shell
of Tarrant	Smith
Jones of Atascosa	of Matagorda
Keith	Stinson
King	Tarwater
Lanning	Thornberry
Little	Thornton
Mays	Vale
McConnell	Waggoner
McCracken	Walker
McFarland	Wood
McKee	Worley
McKinney	

Absent

Bradford	Leonard
Davis of Haskell	Mann
Harbin	Mauritz
Jones of Falls	Monkhouse
Kenyon	Riddle
Leath	Tennyson

Absent—Excused

Cagle	James
Dean	Leyendecker
Hardin	Reed of Bowie
Hull	Stevenson

Mr. Gibson moved to reconsider the vote by which the amendment which seeks to strike out Section 27 of the committee amendment was lost.

Mr. Farmer moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—51

Adkins	Farmer
Bates	Fuchs
Beckworth	Hamilton
Bradbury	Harbin
Brown	Harper
Callan	Harrell
Cathey	Harris of Dickens
Cleveland	Holland
Davis of Jasper	Huddleston
Deglandon	Jones of Angelina
Dickison	Jones of Falls
Dollins	Jones of Wise

Keefe	Quinn
Langdon	Reader
Lankford	Rhodes
Loggins	Ross
London	Russell
Lucas	Sewell
Morris	Sharpe
Newton	Simpson
Oliver	Skaggs
Palmer	Stocks
Patterson of Mills	Weldon
Petsch	Westbrook
Powell	Winfree
Prescott	

Nays—83

Alexander	Lanning
Alsup	Leath
Amos	Little
Baker	Mann
Bell	Mauritz
Blankenship	Mays
Boethel	McConnell
Bond	McCracken
Boyer	McDonald
Broadfoot	McFarland
Burton	McKee
Carssow	McKinney
Cauthorn	Metcalf
Celaya	Moffett
Colquitt	Monkhouse
Davison of Fisher	Morse
Davisson	Nicholson
of Eastland	Patterson
Derden	of Travis
Felty	Pope
Fielden	Ragsdale
Fox	Reed of Dallas
Gibson	Roark
Graves	Rutta
Hankamer	Schuenemann
Hanna	Settle
Harris of Archer	Shell
Harris of Dallas	Smith of Hopkins
Hartzog	Smith
Heflin	of Matagorda
Herzik	Smith of Tarrant
Hoskins	Stinson
Howard	Talbert
Hyder	Tarwater
Jackson	Tennant
Johnson of Ellis	Tennyson
Johnson	Thornberry
of Tarrant	Thornton
Jones of Atascosa	Vale
Keith	Waggoner
Kelt	Walker
Kern	Wood
King	Worley
Knetsch	

Absent

Bradford	Davis of Haskell
Bridgers	England

Kenyon	Riddle
Leonard	
Absent—Excused	

Cagle	James
Dean	Leyendecker
Hardin	Reed of Bowie
Hull	Stevenson

Question recurring on the motion to reconsider, it prevailed.

Question—Shall the amendment by Mr. Gibson be adopted?

Mr. Farmer moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—51

Adkins	Keefe
Amos	Kelt
Beckworth	Langdon
Bradbury	Lankford
Brown	Loggins
Callan	London
Cleveland	Lucas
Davis of Jasper	Newton
Deglandon	Oliver
Dickison	Palmer
Dollins	Patterson of Mills
England	Petsch
Farmer	Powell
Fielden	Prescott
Fuchs	Rhodes
Hamilton	Ross
Harbin	Russell
Harper	Rutta
Harrell	Sewell
Harris of Dickens	Sharpe
Holland	Simpson
Huddleston	Skaggs
Johnson of Ellis	Weldon
Jones of Atascosa	Westbrook
Jones of Falls	Winfree
Jones of Wise	

Nays—82

Alsup	Celaya
Baker	Davison of Fisher
Bates	Davisson
Bell	of Eastland
Blankenship	Derden
Boethel	Felty
Bond	Fox
Boyer	Gibson
Bradford	Hankamer
Bridgers	Hanna
Broadfoot	Harris of Archer
Burton	Harris of Dallas
Carssow	Hartzog
Cathey	Heflin
Cauthorn	Herzik

Hoskins	Patterson
Howard	of Travis
Hyder	Pope
Jackson	Quinn
Johnson	Ragsdale
of Tarrant	Reader
Jones of Angelina	Reed of Dallas
Keith	Roark
Kern	Schuenemann
King	Settle
Knetsch	Shell
Lanning	Smith of Hopkins
Leath	Smith
Little	of Matagorda
Mann	Smith of Tarrant
Mauritz	Stinson
Mays	Stocks
McConnell	Talbert
McCracken	Tarwater
McDonald	Tennant
McFarland	Tennyson
McKee	Thornberry
McKinney	Thornton
Metcalfe	Vale
Moffett	Waggoner
Monkhouse	Walker
Morse	Wood
Nicholson	Worley

Absent

Alexander	Kenyon
Colquitt	Leonard
Davis of Haskell	Morris
Graves	Riddle

Absent—Excused

Cagle	James
Dean	Leyendecker
Hardin	Reed of Bowie
Hull	Stevenson

Question then recurring on the amendment by Mr. Gibson, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—87

Alexander	Celaya
Alsup	Davis of Jasper
Baker	Davison of Fisher
Bates	Davison
Bell	of Eastland
Blankenship	Derden
Boethel	Dickison
Bond	Felty
Boyer	Fox
Bradford	Gibson
Bridgers	Hankamer
Broadfoot	Hanna
Burton	Harris of Archer
Carasow	Harris of Dallas
Cauthorn	Hartzog

Heflin	Patterson
Hoskins	of Travis
Howard	Petsch
Hyder	Pope
Jackson	Prescott
Johnson	Quinn
of Tarrant	Ragsdale
Jones of Angelina	Reader
Jones of Atascosa	Reed of Dallas
Keefe	Riddle
Keith	Roark
Kelt	Schuenemann
King	Settle
Knetsch	Shell
Lanning	Smith of Hopkins
Leath	Smith
Little	of Matagorda
Mann	Smith of Tarrant
Mauritz	Stinson
Mays	Stocks
McConnell	Talbert
McCracken	Tennant
McDonald	Tennyson
McFarland	Thornberry
McKee	Thornton
McKinney	Vale
Metcalfe	Waggoner
Moffett	Walker
Monkhouse	Wood
Morse	Worley
Nicholson	

Nays—45

Adkins	Kern
Amos	Langdon
Beckworth	Lankford
Bradbury	Loggins
Callan	London
Cathey	Lucas
Cleveland	Morris
Davis of Haskell	Newton
Deglandon	Oliver
Dollins	Palmer
England	Powell
Farmer	Rhodes
Fielden	Ross
Fuchs	Russell
Hamilton	Rutta
Harbin	Sewell
Harper	Sharpe
Harrell	Simpson
Harris of Dickens	Skaggs
Huddleston	Weldon
Johnson of Ellis	Westbrook
Jones of Falls	Winfree
Jones of Wise	

Absent

Brown	Kenyon
Colquitt	Leonard
Graves	Patterson of Mills
Herzik	Tarwater
Holland	

Absent—Excused

Cagle	James
Dean	Leyendecker
Hardin	Reed of Bowie
Hull	Stevenson

Mr. Gibson moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Skaggs offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 48, by inserting Section 40A to read, as follows:

"40A. Sulphur Producers: Each person who owns, controls, manages, leases, or operates, any sulphur mine, or mines, wells or shafts, or who produces sulphur by any method, system, or manner within this State shall make quarterly on the first day of January, April, July and October of each year a report to the Comptroller sworn to by such person before an officer authorized to administer oaths in this State, or if such person be other than an individual, sworn to by its president, secretary, or other duly authorized officer, on such forms as the Comptroller shall prescribe, showing the total amount of sulphur produced within this State by said person during the quarter next preceding; and at the time of making said report shall pay to the Treasurer of this State as occupation tax for the quarter ending on said date an amount equal to Two Dollars and Fifty Cents (\$2.50) per long ton, or fraction thereof, of all sulphur produced by said person within the State of Texas during said quarter. Should any person subject to the occupation tax herein levied begin business after the beginning of a quarter, the amount of tax which such person or concern shall pay for the first quarter immediately succeeding the quarter in which the business was begun shall be ascertained by taking the total number of tons produced within the last quarter, dividing the same by the number of days such person or concern was engaged in the business during said preceding quarter and multiplying the quotient by ninety, and multiplying the product by Two Dollars and Fifty Cents (\$2.50). Said tax shall be in lieu of the tax imposed by House Bill No. 2, Chapter 74, Acts of the Fifth Called Session of the

Forty-first Legislature, but said tax shall be paid in the same manner, subject to the same penalties, and under the same conditions as provided in said Act, except that the taxes herein provided for, when paid shall be, and hereby are, allocated as follows, to-wit:

"One-fourth of said tax when and as received by the Comptroller shall be paid to the State Treasurer of Texas and be placed to the credit of the available Public School Fund, and three-fourths of such taxes when and as received by the Comptroller shall be paid to the State Treasurer to be placed to the credit of the Old Age Assistance Fund of the State provided for herein."

Mr. Harris of Dickens offered the following substitute for the amendment by Mr. Skaggs:

Amend committee amendment to House Bill No. 48 by adding a new section to read as follows:

Sec. 29. That Section 6 of Article IV of House Bill No. 8 of the Acts of the Third Special Session of the Forty-fourth Legislature is hereby amended so as to hereafter read as follows:—

"Sec. 6. That Section 40A of Article 7047, Revised Civil Statutes, 1925, as amended by Acts, 1931, Forty-second Legislature, page 355, Chapter 212, Section 1, be and the same is hereby amended so as to hereafter read as follows:

"40A. Sulphur Producers: Each person who owns, controls, manages, leases, or operates, any sulphur mine, or mines, wells or shafts, or who produces sulphur by any method, system, or manner within this State shall make quarterly on the first day of January, April, July and October of each year a report to the Comptroller sworn to by such person before an officer authorized to administer oaths in this State, or if such person be other than an individual, sworn to by its president, secretary, or other duly authorized officer, on such forms as the Comptroller shall prescribe, showing the total amount of sulphur produced within this State by said person during the quarter next preceding; and at the time of making said report shall pay to the Treasurer of this State as occupation tax for the quarter ending on said date an amount equal to One Dollar and Seventy-five Cents (\$1.75) per long

ton, or fraction thereof, of all sulphur produced by said person within the State of Texas during said quarter. Should any person subject to the occupation tax herein levied begin business after the beginning of a quarter, the amount of tax which such person or concern shall pay for the first quarter immediately succeeding the quarter in which the business was begun shall be ascertained by taking the total number of tons produced within the last quarter, dividing the same by the number of days such person or concern was engaged in the business during said preceding quarter and multiplying the quotient by ninety, and multiplying the product by One Dollar and Seventy-five Cents (\$1.75). Said tax shall be in lieu of the tax imposed by House Bill No. 2, Chapter 74, Acts of the Fifth Called Session of the Forty-first Legislature, but said tax shall be paid in the same manner, subject to the same penalties, and under the same conditions as provided in said Act, except that the taxes herein provided for, when paid shall be, and hereby are, allocated as follows, to-wit:

"One-fourth of said tax when and as received by the Comptroller shall be paid to the State Treasurer of Texas and be placed to the credit of the available Public School Fund, and three-fourths of such taxes when and as received by the Comptroller shall be paid to the State Treasurer to be placed to the credit of the Old Age Assistance Fund of the State provided for herein."

Sec. 30. That Section 7 of Article IV. of House Bill No. 8 of the Acts of the Third Special Session of the 44th., Legislature is hereby amended so as to hereafter read, as follows:

"Sec. 7. Amend Article 7047, Revised Civil Statutes, 1925, by adding a new section which shall be known as Section 45, and read as follows:"

Mr. Smith of Matagorda moved to table the substitute amendment.

The motion to table prevailed.

Mr. Quinn moved to table the amendment by Mr. Skaggs.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—95

Alexander	Lanning
Alsup	Leath
Baker	Leonard
Beckworth	Little
Bell	Mann
Blankenship	Mauritz
Boethel	Mays
Bond	McConnell
Boyer	McCracken
Bradford	McDonald
Bridgers	McFarland
Broadfoot	McKee
Burton	McKinney
Carssow	Metcalfe
Cathey	Moffett
Cauthorn	Monkhouse
Celaya	Morse
Cleveland	Newton
Colquitt	Nicholson
Davisson	Patterson
of Eastland	of Travis
Dickison	Pope
England	Prescott
Felty	Quinn
Fielden	Ragsdale
Fox	Reader
Gibson	Reed of Dallas
Hamilton	Rhodes
Hankamer	Riddle
Hanna	Roark
Harbin	Russell
Harper	Rutta
Harris of Archer	Schuenemann
Harris of Dallas	Settle
Harris of Dickens	Shell
Hartzog	Smith
Heflin	of Matagorda
Herzik	Smith of Tarrant
Howard	Stinson
Huddleston	Tarwater
Hyder	Tennant
Jackson	Thornberry
Johnson	Thornton
of Tarrant	Vale
Jones of Angelina	Waggoner
Jones of Atascosa	Walker
Jones of Falls	Winfree
Keith	Wood
King	Worley
Knetsch	

Nays—39

Adkins	Harrell
Amos	Holland
Bradbury	Hoskins
Callan	Johnson of Ellis
Davis of Jasper	Jones of Wise
Deglandon	Keefe
Derden	Kelt
Dollins	Kern
Farmer	Langdon
Fuchs	Lankford
Graves	Loggins

London	Sharpe
Lucas	Simpson
Morris	Skaggs
Oliver	Smith of Hopkins
Palmer	Stocks
Patterson of Mills	Talbert
Powell	Weldon
Ross	Westbrook
Sewell	

Present—Not Voting

Petsch

Absent

Bates	Davison of Fisher
Brown	Kenyon
Davis of Haskell	Tennyson

Absent—Excused

Cagle	James
Dean	Leyendecker
Hardin	Reed of Bowie
Hull	Stevenson

Mr. Keefe offered the following amendment to the committee amendment:

Amend House Bill No. 48, by striking out Section 23 and inserting in lieu thereof the following:

"The Texas Old Age Assistance Commission shall publish a handbook embodying this Act, its rules and regulations and other information useful to the public; and the Commission shall furnish to the County Clerk of each county three copies of such handbook which shall always be available to the public."

The amendment was adopted.

Mr. Keith offered the following amendment to the bill:

Amend House Bill No. 48, by striking out the enacting clause.

Mr. Bond moved the previous question on the amendment by Mr. Keith, and the main question was ordered.

Question recurring on the amendment by Mr. Keith, yeas and nays were demanded.

The roll of the House was called and the vote announced as follows:

Yeas, 64; nays, 65.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called and the verified vote resulted as follows:

Yeas—61

Alexander	Bell
Baker	Boethel

Bond
Boyer
Bradford
Bridgers
Broadfoot
Burton
Carssow
Cauthorn
Colquitt
England
Felty
Fox
Fuchs
Gibson
Graves
Hankamer
Harris of Archer
Hartzog
Heflin
Hoskins
Howard
Hyder
Jackson
Johnson
of Tarrant
Jones of Falls
Jones of Wise
Keefe
Keith
Knetsch

Little
Mays
McCracken
McDonald
McFarland
McKee
McKinney
Metcalfe
Monkhouse
Morris
Morse
Nicholson
Patterson
of Travis
Riddle
Roark
Schuenemann
Settle
Smith
of Matagorda
Stinson
Stocks
Tarwater
Tennyson
Thornberry
Thornton
Vale
Waggoner
Walker
Worley

Nays—70

Adkins
Alsup
Amos
Bates
Beckworth
Blankenship
Bradbury
Brown
Callan
Cathey
Cleveland
Davis of Haskell
Davis of Jasper
Davisson
of Eastland
Deglandon
Derden
Dickison
Dollins
Farmer
Fielden
Hamilton
Hanna
Harbin
Harrell
Harris of Dallas
Harris of Dickens
Herzik
Holland
Huddleston
Johnson of Ellis
Kelt

Kern
King
Langdon
Lankford
Lanning
Loggins
London
Lucas
Mann
McConnell
Moffett
Newton
Oliver
Palmer
Patterson of Mills
Petsch
Pope
Powell
Prescott
Quinn
Ragsdale
Reader
Reed of Dallas
Rhodes
Ross
Russell
Rutta
Sewell
Sharpe
Simpson
Skaggs
Smith of Hopkins

Smith of Tarrant Westbrook
Talbert Winfree
Tennant Wood
Weldon

Absent

Celaya Kenyon
Davison of Fisher Leath
Harper Leonard
Jones of Angelina Mauritz
Jones of Atascosa Shell

Absent—Excused

Cagle James
Dean Leyendecker
Hardin Reed of Bowie
Hull Stevenson

The Speaker announced that the amendment was lost.

REASONS FOR VOTE

I vote "aye" on the Keith amendment for I do not believe the administration of the Old Age Assistance should be placed in the hands of the county officials as that would create 254 interpretations of the words "aged needy". I am for the reliberalization of the pension under the present constitutional amendment to the extent that no applicant shall be disqualified or his pension reduced because of the gifts or support received from relatives and children.

BOETHEL.

I voted against House Bill No. 48 because I do not think it a proper bill to liberalize pensions. It calls for a tearing down of the present set-up which would immediately cut out the present set-up, and until the new one could be put into operation no one would get a pension which would cause untold suffering for several months, then all the knowledge and records that has taken years to accumulate would be lost. Also no tax measures are provided, all having been cut off. We cannot pay more without more money. I am for a more liberal law under the present set-up, that will not destroy what has been done, but broaden the present set up to meet the needs of all needy citizens over 65 and provide revenue for same. What we need is an amendment to the present law and not a new set-up at all. This bill in my opinion would do more harm than good, therefore, I voted against same.

MAYS.

I voted "aye" on the Keith amendment to strike out the enacting clause, because I am convinced that this bill, if passed, would cause all Federal Aid to be withdrawn.

I also voted to strike out all of the resource tax measures but two, because I believe that a single shot tax measure will have a better chance to pass than one embodied in this bill.

McDONALD.

While I do not favor House Bill No. 48 as written, I voted "nay" on the motion to strike out the enacting clause in the hope that the bill might be so amended as to become a reasonable bill.

HOLLAND.

Mr. Tennant moved to reconsider the vote by which the amendment was lost.

Mr. Skaggs moved to table the motion to reconsider.

Mr. Keefe moved that the House recess to 10:00 o'clock a. m., tomorrow.

Mr. Jones of Falls moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion by Mr. Jones of Falls, it was lost.

Question next recurring on the motion by Mr. Keefe, it was lost.

Question next recurring on the motion to table the motion to reconsider the vote by which the amendment by Mr. Keith was lost, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—71

Adkins	Fielden
Alsup	Fuchs
Amos	Hamilton
Bates	Hanna
Beckworth	Harbin
Bradbury	Harrell
Brown	Harris of Dickens
Callan	Heflin
Carsow	Herzik
Cathey	Holland
Cleveland	Huddleston
Davis of Haskell	Johnson of Ellis
Davis of Jasper	Keefe
Davisson	Kelt
of Eastland	Kern
Deglandon	King
Derden	Lankford
Dickison	Lanning
Dollins	Loggins
Farmer	London

Lucas	Rhodes
Mann	Ross
McConnell	Russell
McKee	Rutta
Moffett	Sewell
Newton	Sharpe
Oliver	Simpson
Palmer	Skaggs
Patterson of Mills	Smith of Hopkins
Petsch	Smith of Tarrant
Pope	Stocks
Prescott	Talbert
Quinn	Weldon
Ragsdale	Westbrook
Reader	Winfree
Reed of Dallas	Wood

Nays—65

Alexander	Knetsch
Baker	Langdon
Bell	Leonard
Blankenship	Leyendecker
Boethel	Little
Bond	Mays
Boyer	McCracken
Bradford	McDonald
Bridgers	McFarland
Broadfoot	McKinney
Burton	Metcalfe
Cauthorn	Monkhouse
Celaya	Morris
Colquitt	Morse
Davison of Fisher	Nicholson
England	Patterson
Felty	of Travis
Fox	Powell
Gibson	Riddle
Graves	Roark
Hankamer	Schuenemann
Harris of Archer	Settle
Harris of Dallas	Smith
Hartzog	of Matagorda
Hoskins	Stinson
Howard	Tarwater
Hyder	Tennant
Jackson	Tennyson
Johnson	Thornberry
of Tarrant	Thornton
Jones of Atascosa	Vale
Jones of Falls	Waggoner
Jones of Wise	Walker
Keith	Worley

Absent

Harper	Leath
Jones of Angelina	Mauritz
Kenyon	Shell

Absent—Excused

Cagle	James
Dean	Reed of Bowie
Hardin	Stevenson
Hull	

Mr. Hankamer moved that House Bill No. 48 be tabled.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—61

Alexander	Knetsch
Baker	Langdon
Bell	Leonard
Boethel	Leyendecker
Bond	Little
Boyer	McCracken
Bradford	McDonald
Broadfoot	McFarland
Burton	McKee
Cauthorn	McKinney
Celaya	Metcalfe
Colquitt	Monkhouse
Davison of Fisher	Morris
Felty	Morse
Fox	Nicholson
Fuchs	Patterson
Gibson	of Travis
Graves	Riddle
Hankamer	Roark
Harris of Archer	Settle
Hartzog	Smith
Heflin	of Matagorda
Hoskins	Stinson
Howard	Stocks
Hyder	Tarwater
Jackson	Tennyson
Johnson	Thornberry
of Tarrant	Thornton
Jones of Atascosa	Vale
Jones of Falls	Waggoner
Jones of Wise	Walker
Keith	Worley

Nays—72

Adkins	Fielden
Alsup	Hamilton
Amos	Hanna
Bates	Harbin
Beckworth	Harrell
Blankenship	Harris of Dallas
Bradbury	Harris of Dickens
Brown	Herzik
Callan	Holland
Carssow	Huddleston
Cathey	Johnson of Ellis
Cleveland	Keefe
Davis of Haskell	Kelt
Davis of Jasper	Kern
Davisson	King
of Eastland	Lankford
Deglandon	Lanning
Derden	Loggins
Dickison	London
Dollins	Lucas
Farmer	Mann

Mays	Ross
McConnell	Russell
Moffett	Rutta
Newton	Sewell
Oliver	Sharpe
Palmer	Simpson
Patterson of Mills	Skaggs
Petsch	Smith of Hopkins
Pope	Smith of Tarrant
Powell	Talbert
Prescott	Tennant
Quinn	Weldon
Ragsdale	Westbrook
Reader	Winfree
Reed of Dallas	Wood
Rhodes	

Absent

Bridgers	Leath
England	Mauritz
Harper	Schuenemann
Jones of Angelina	Shell
Kenyon	

Absent—Excused

Cagle	James
Dean	Reed of Bowie
Hardin	Stevenson
Hull	

Question—Shall the committee amendment be adopted?

ADJOURNMENT

Mr. Worley moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Mays moved that the House recess to 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion by Mr. Worley, it prevailed, and the House, accordingly, at 5:50 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution, as follows:

Appropriations: House Bill No. 844.

Counties: House Bills Nos. 427, 724, 882 and 883.

Federal Relations: House Concurrent Resolution No. 51.

Judicial Districts: House Bill No. 593.

Municipal and Private Corporations: House Bill No. 357; Senate Bill No. 193.

The Committee on State Affairs filed an adverse report on House Bill No. 520.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, March 5, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 67, A bill to be entitled "An Act amending Section 1, Chapter 314, General Laws of the State of Texas, Forty-first Legislature, Regular Session, as amended by Chapter 24 of the General Laws of the Second Called Session thereof, and Chapter 227, Acts of the Regular Session of the Forty-second Legislature, 1931, so as to hereinafter provide that motor carriers and motor vehicles subject to jurisdiction of the Railroad Commission shall be those operating for compensation and hire and providing that the term, 'compensation and hire' shall not include vehicles transporting goods owned by the owner of such vehicle."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, March 8, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 52, To permit the erection of a cold drink stand in the Walton State Building.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, March 8, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 215, "An Act creating a Special Road Law for Hardeman County, Texas, authorizing the funding and refunding of items of indebtedness, outstanding on December

14, 1936, against the Road and Bridge Fund of said County, into time warrants, prescribing the terms and conditions in reference to said time warrants, and the duties of the officers in the issuance thereof; validating an order passed by the Commissioners Court of Hardeman County, Texas, on December 14, 1936, and the items of indebtedness described therein and authorized to be funded and refunded into time warrants; providing that this

law shall be cumulative of General Laws on the subject of roads and bridges and on the subject of funding and refunding warrants, when not in conflict with the provisions hereof; enacting provisions incident and relating to the subject and purpose of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

In Memory of Hon. J. K. Freeman

Mr. Newton offered the following resolution:

H. C. R. No. 55, In memory of Hon. J. K. Freeman.

Whereas, In the deeply deplored passing of J. K. Freeman on February 23rd, within a short span of time Cameron, Milam County, Texas, was again called upon to surrender another of its most beloved and highly regarded citizens to the imperious summons of death; who answered that last summons of the Grim Reaper as gallantly and as preparedly as he has always answered every call in life; and

Whereas, In the State which proudly claims J. K. Freeman as its own, a deep void has been left in the hearts of all who loved and honored him for his great gifts of mind and heart, manifest to all with whom he came in intimate contact; who gave unstintingly to every needy cause, who made great and valuable contributions to his State and his community, who denied his contributions and benefactions to no worthy enterprise, whose entire career as a citizen of Texas is eminently worthy of emulation; and

Whereas, J. K. Freeman leaves behind him a record so highly deserving of retrospection, born in Tupelo, Mississippi, a son of T. H. and Mrs. Jane Freeman, he spent his early manhood in that State, but in 1886 came to Texas where he lived and shall always live in honored memory. His young manhood was spent in teaching school in Milam County. He pursued the study of law and in Milam County a few years later, was admitted to the bar. From 1894 to 1898, he held the post of District Attorney, also serving as Justice of the Peace in that County. A man of honest and firm convictions, fearless in his opinions and performance of duty and in his championship of the constitutional rights of the people; and

Whereas, J. K. Freeman, though wearing no crown, possessed all the princely virtues of a monarch; preached no gospel save the creed of infinite kindness, asked no reward save the satisfaction of seeing his fellow men reach their goals, using his worldly gains for the good and welfare of all humanity; and

Whereas, By his innumerable good deeds, J. K. Freeman shall enjoy the immortality that is imperishable, for it is said

"The book of life is writ in deeds alone;

No dust of Death can ever make them dim.

The records of immortal souls live on

With God, so long as man has lived with him"; and

Whereas, The contributions of J. K. Freeman to both community and State shall ever keep his memory green and have merited him the highest honor and ovation his State can pay; now, therefore, be it

Resolved by the Members of the House of Representatives, the Senate concurring, To acknowledge the loss of his inspiring presence and his splendid record before the bar of Texas, and That a copy of this resolution be spread on the memorial pages of the Senate and House Journals of the day, to designate the love and esteem in which was held this great and good soul and letting this serve as an acknowledgement of the debt Texas owes, and the tribute Texas pays, to a true son of the people; and also, be it further

Resolved, That the Secretary of the Senate, and the Chief Clerk of the House of Representatives send the family of the deceased a copy of this resolution under their respective seals and that when the Senate and House adjourn today, they do so in silent tribute to a man whose name shall live long in the consciousness of his State and in the affections of his friends and sorrowing family.

NEWTON,
JAMES,
HERZIK.

The resolution was read second time, and was unanimously adopted.